

Support Material Agenda Item No. 21

Board of Directors Meeting

**January 5, 2022
10:00 AM**

Location:

San Bernardino County Transportation Authority
First Floor Lobby Board Room
Santa Fe Depot, 1170 W. 3rd Street
San Bernardino, CA 92410

DISCUSSION ITEMS

Transit

21. Hearing to Consider Resolutions of Necessity for Property Interests for the West Valley Connector Project

The following Resolutions of Necessity are included in this packet:

- *Riad Bacily and Tamer Bacily (APN 1011 121-22);*
- *Starbridge (Ontario) Investment, LLC, a California Limited Liability Company (APN 0210-211-33);*
- *NRP Developments, Inc. a California Corporation, (APN 1011-141-06);*
- *William S. Short & Audree L. Short (APNs 1011-141-11, 1011-141-13 & 1011-141-30);*
- *Hamid Reza DiBadj & Telma F. Roshanravan, Trustees of the DiBadj Family 2018 Revocable Trust (APN 1011-141-16);*
- *Khang Bao Lieu (APN 1011-141-35);*
- *Holt-San Antonio, LLC, a California Limited Liability Company (APN 1048-591-28);*
- *MMOS, Inc. a California Corporation, (APN 1048-604-14);*
- *AJI Development, LLC, a California Limited Liability Company (APN 1048-604-15);*

- *Annette Marie Durrizague, Trustee of Trust A created under the Durrizague 2003 Revocable Trust dated June 18, 2003, as to an undivided 50% interest; Annette Marie Durrizague, Trustee of Trust B created under the Durrizague 2003 Revocable Trust dated June 18, 2003, as to an undivided 42% interest; and Annette Marie Durrizague, Trustee of Trust C created under the Durrizague 2003 Revocable Trust dated June 18, 2003, as to an undivided 8% interest (APN 1049-011-02);*
- *Chi Hong Chiang & Hui-Chuan Wang, Trustees of the Chiang Family Trust dated July 8, 2010 (APNs 1049-021-03 & 1049-021-04);*
- *Salvador & Maria C. Ayala, (APN 1048-512-17);*
- *Albert and Bertha Aleman (APN 1048-512-10);*
- *Yolanda Chavez (APN 1048-512-16);*
- *Sen Mou Shih and Wei-Cho Shih, as to an undivided 50% interest; and Chung Hsien Lee & Shu Luan Feng Lee, as to an undivided 50% interest (APN 0110-071-02);*
- *Qu's Holding, LLC, a California Limited Liability Company (APNs 0110-071-06 & 0110-071-07);*
- *Anthony Ditommaso, as to an undivided 42.026% interest; Jeanne D. Bruno, as to an undivided 42.026% interest; Deanna P. Brost, (formerly Deanna P. Ditommaso), Trustee of the Deanna P. Brost Separate Property Trust dated June 28, 2005, as to an undivided 5.316% interest; Christopher F. Ditommaso, Trustee of the Christopher F. Ditommaso Separate Property Trust dated August 2, 2005, as to an undivided 5.316% interest; Franklin J. Bruno, Trustee of the Franklin J. Bruno Living Trust, as to an undivided 2.658% interest, and Anthony Ditommaso and Beverly B. Ditommaso, Trustees of the Anthony & Beverly Ditommaso Living Trust dated April 23, 2003 as to an undivided 2.658% interest (APN 0110-081-07);*
- *Holt Blvd. LLC, a California Limited Liability Company (APN 0110- 081-08);*
- *Holt LPIV 3 LLC, a Delaware Limited Liability Company (APNs 0110-111-02, 0110-111-03, 0110-111-11 & 0110-111-12);*
- *Muhammad and Iqbal M. Tremazi (APN 1049-131-06);*
- *Patrick F. Grabowski and Janis Grabowski, Trustees of that Certain Revocable Declaration of Trust, known as the 2012 Grabowski Revocable Trust, dated June 21, 2012 (APNs 0110-072-10 & 0110-072-11);*
- *Holt Blvd. LLC, A California Limited Liability Company (APN 0110-081-13);*
- *Rowlands Properties, a California Partnership (APNs 0110-101-01; 0110-111-09 & 0110-111-10); and*
- *Ontario CNG Property LLC, a California Limited Liability Company (APN 0110-101-13).*

RESOLUTION OF NECESSITY No. 22-010

**RIAD BACILY AND TAMER BACILY
PROPERTY**

(APN 1011-121-22)

RESOLUTION NO. 22-010

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1011-121-22

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 1201 West Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portion of the Property required for the Project is an approximate 802 square foot temporary construction easement with a term of twenty-four months described and depicted in Exhibit “1” hereto (the “Subject Property Interest”); and

WHEREAS, to the extent the Subject Property Interest, or any portion thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interest in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interest to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interest is to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally,

transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interest.

Section 5. Description of the Subject Property Interest. The Subject Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interest SBCTA seeks to acquire is necessary for the Project; and
- (d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interest is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interest, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interest, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interest, or any portion thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interest needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046

highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interest for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interest for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interest, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interest in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interest at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Temporary Construction Easement

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1011-121-22

That portion of Parcel 2 of Parcel Map No. 1914, in the City of Ontario, County of San Bernardino, State of California, per map filed in Book 20, Page 100 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Parcel A

Commencing at the centerline intersection of Holt Boulevard and Mountain Avenue, as shown on said Parcel Map;

thence along the centerline of said Holt Boulevard South 89°36'21" West 670.43 feet to the northerly prolongation of the easterly line of said Parcel 2;

thence leaving said centerline along said northerly prolongation and said easterly line South 00°25'37" East 60.00 feet to a line that is parallel with and 60.00 feet southerly of the centerline of said Holt Boulevard, and the **True Point of Beginning**;

thence along said parallel line South 89°36'21" West 29.94 feet to a point hereinafter referred to as "Point A";

thence leaving said parallel line South 00°23'56" East 1.24 feet;

thence North 89°36'04" East 29.94 feet to said easterly line;

thence along said easterly line North 00°25'37" West 1.23 feet to the **True Point of Beginning**.

Containing 37 square feet, more or less.

Parcel B

Commencing at the hereinabove described "Point A";

thence along said parallel line South 89°36'21" West 40.66 feet to the **True Point of Beginning**;

thence continuing along said parallel line South 89°36'21" West 38.76 feet to the westerly line of said Parcel 2;

thence along said westerly line South 01°09'16" West 19.63 feet;

thence leaving said westerly line North 89°39'06" East 39.16 feet;

thence North 19.66 feet to the **True Point of Beginning**.

Containing 765 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

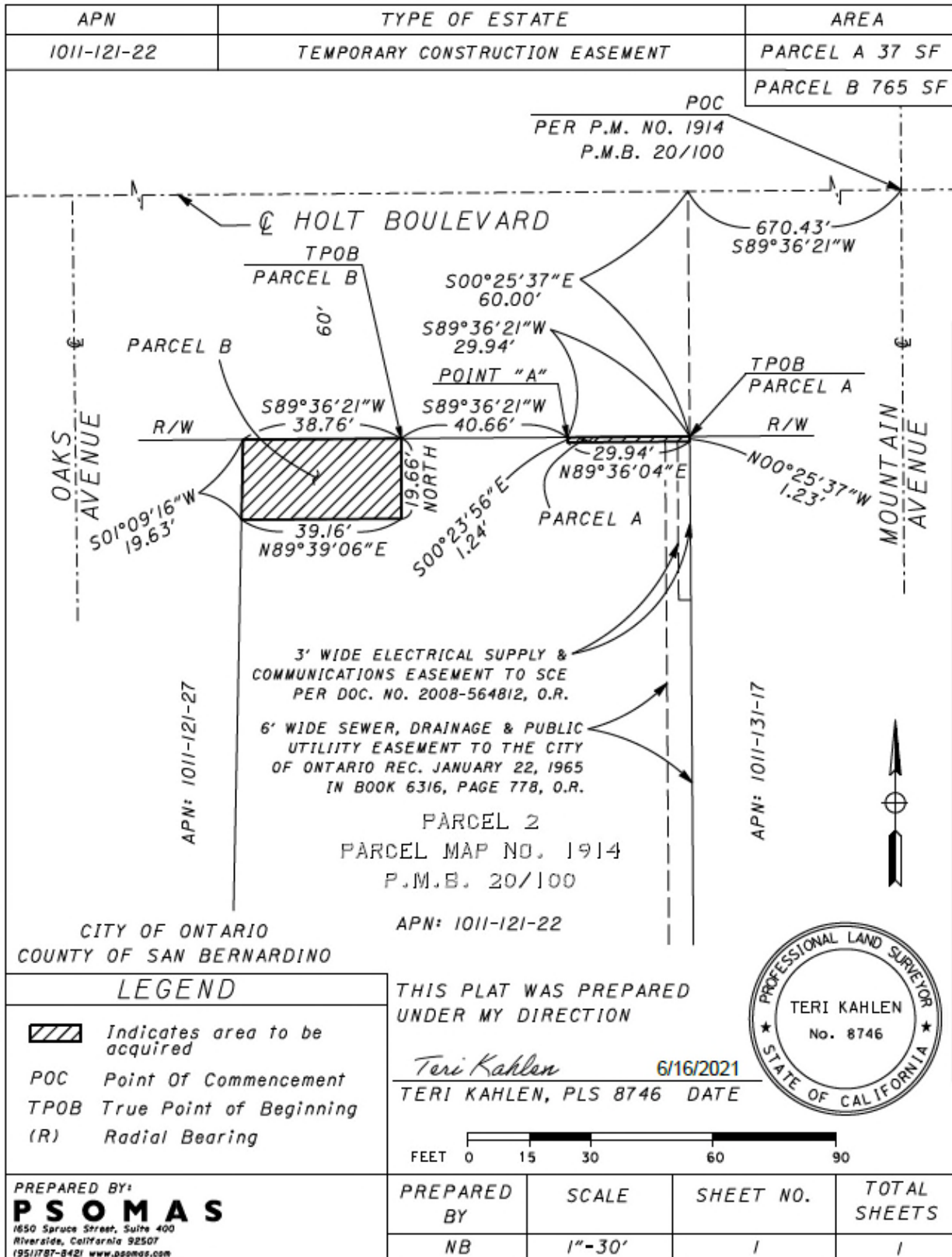
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/16/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1011-121-22 PCL A
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85533)		1845518.258	6660933.378	0.000
	S 89°36'21" W	29.94			
POT (	85534)		1845518.052	6660903.435	0.000
	S 0°23'56" E	1.24			
POT (	85535)		1845516.816	6660903.443	0.000
	N 89°36'04" E	29.94			
POT (	85536)		1845517.025	6660933.387	0.000
	N 0°25'37" W	1.23			
POT (	85533)		1845518.258	6660933.378	0.000

Northing Error: -0.008 ft
 Easting Error: -0.001 ft
 Closing Direction: N 4°10'19" E
 Closing Distance: 0.008 ft
 Closed Area: 37.0 sq ft (0.0 ac)
 Perimeter: 62.357 ft
 Precision: 8251.093

Map Check Report

Project: WVC - OC
 Alignment: 1011-121-22 PCL B
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85537)		1845517.772	6660862.777	0.000
	S 89°36'21" W	38.76			
POT (	85538)		1845517.506	6660824.014	0.000
	S 1°09'16" W	19.63			
POT (	85539)		1845497.878	6660823.619	0.000
	N 89°39'06" E	39.16			
POT (	85540)		1845498.116	6660862.777	0.000
	N 0°00'00" E	19.66			
POT (	85537)		1845517.772	6660862.777	0.000

Northing Error: 0.005 ft
 Easting Error: 0.005 ft
 Closing Direction: S 40°57'57" W
 Closing Distance: 0.007 ft
 Closed Area: 765.2 sq ft (0.0 ac)
 Perimeter: 117.212 ft
 Precision: 16355.945

RESOLUTION OF NECESSITY No. 22-011
STARBRIDGE (ONTARIO) INVESTMENT,
LLC, A CALIFORNIA LIMITED LIABILITY
COMPANY PROPERTY
(APN 0210-211-33)

RESOLUTION NO. 22-011

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 0210-211-33

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 700 North Haven Avenue, Ontario in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 15 square foot permanent easement legally described and depicted in Exhibit “1” hereto and an approximate 182 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" and in Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication

APN: 0210-211-33

That portion of Parcel 1 of Parcel Map No. 7135, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 71, Pages 48 through 50 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Inland Empire Boulevard, formerly known as G Street, and Haven Avenue as shown on said Parcel Map; thence along the centerline of said Inland Empire Boulevard South $89^{\circ}37'07''$ East 164.06 feet to the beginning of a tangent curve concave southerly having a radius of 1099.94 feet;

thence easterly along said centerline and said curve through a central angle of $17^{\circ}28'40''$, an arc length of 335.53 feet;

thence leaving said centerline and non-tangent from said curve South $17^{\circ}51'32''$ West 75.71 feet to the southerly line of said Inland Empire Boulevard described as Parcel 2 in the Easement Deed recorded March 22, 1983 as Document No. 83-060092 of Official Records in the office of said County Recorder and the **True Point of Beginning**;

thence leaving said southerly line South $65^{\circ}58'30''$ East 8.68 feet;

thence South $68^{\circ}36'26''$ East 2.51 feet to a non-tangent curve concave southeasterly having a radius of 3.00 feet, a radial line to said curve bears North $48^{\circ}42'30''$ West;

thence northeasterly along said curve through a central angle of $47^{\circ}05'39''$, an arc length of 2.47 feet to a compound curve concave southerly having a radius of 142.48 feet, a radial line to said curve bears North $01^{\circ}36'51''$ West;

thence easterly along said curve through a central angle of $01^{\circ}01'51''$, an arc length of 2.56 feet to said southerly line, being on a curve concave southwesterly having a radius of 644.97 feet, a radial line to said curve bears North $13^{\circ}06'13''$ East;

thence northwesterly along said southerly line and said curve through a central angle of $00^{\circ}29'31''$, an arc length of 5.54 feet;

thence continuing along said southerly line North $77^{\circ}23'16''$ West 9.83 feet to the **True Point of Beginning**.

Parcel contains 15 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

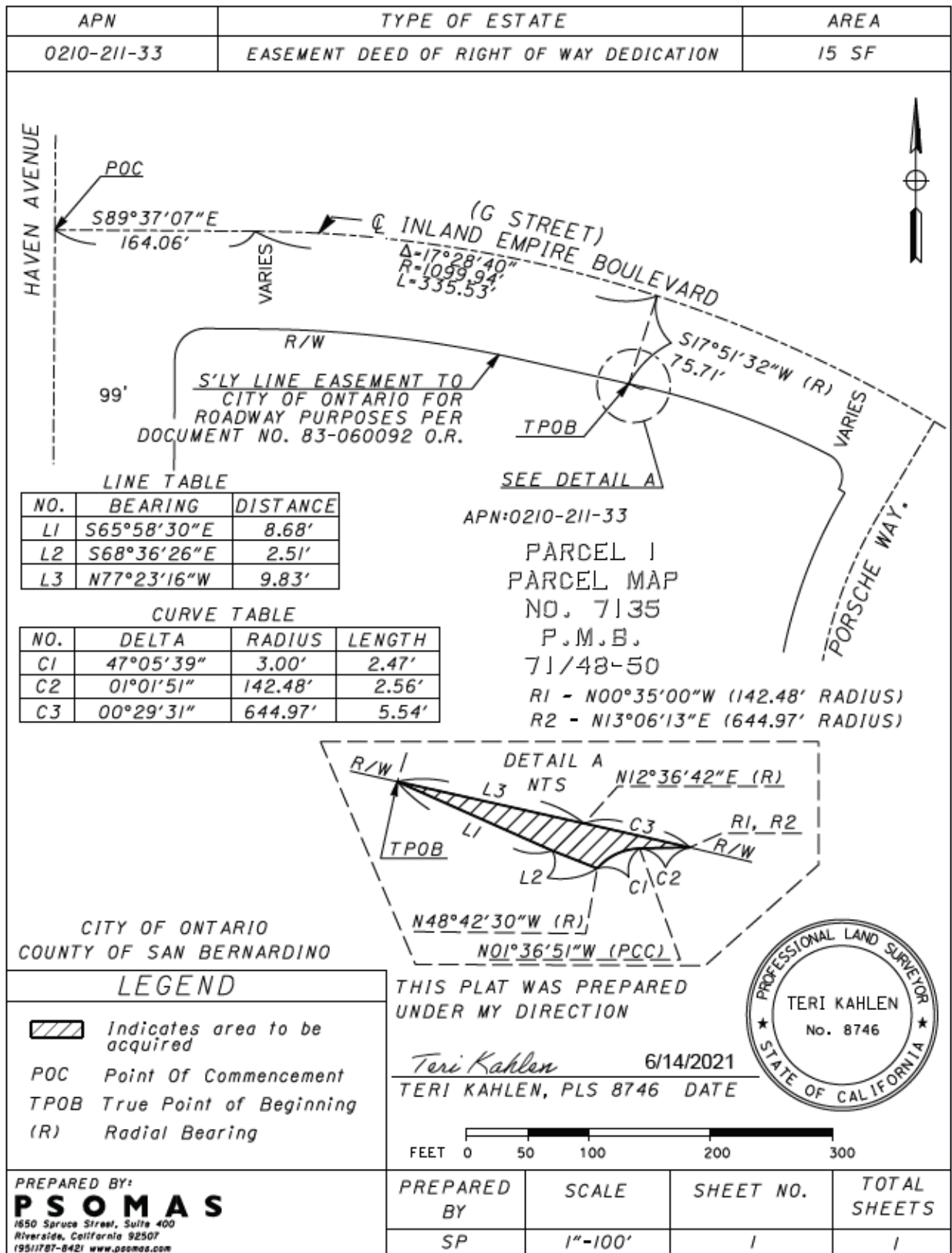
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/14/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0210-211-33 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65362)		1848685.48	6690608.19	0.00
	S 68°58'30" E	8.68			
PI (	65370)		1848681.94	6690616.12	0.00
	S 68°36'26" E	2.51			
BC (	65369)		1848681.03	6690618.45	0.00
	Radius:	3.00			
	Delta:	47°05'39"			
	Length:	2.47			
	Chord:	2.40			
	Tangent:	1.31			
	Middle Ordinate:	0.25			
	External:	0.27			
	S 48°42'30" E (Radial)				
CC (	65367)		1848679.05	6690620.70	0.00
	N 64°50'20" E (Chord)				
	S 1°36'51" E (Radial)				
PCC (	65366)		1848682.05	6690620.62	0.00
	Radius:	142.48			
	Delta:	1°01'51"			
	Length:	2.56			
	Chord:	2.56			
	Tangent:	1.28			
	Middle Ordinate:	0.01			
	External:	0.01			
	S 1°36'51" E (Radial)				
CC (	65373)		1848539.62	6690624.63	0.00
	N 88°54'05" E (Chord)				
	S 0°35'00" E (Radial)				
PRC (	65365)		1848682.10	6690623.18	0.00
	Radius:	644.97			
	Delta:	0°29'31"			
	Length:	5.54			
	Chord:	5.54			
	Tangent:	2.77			
	Middle Ordinate:	0.01			
	External:	0.01			
	N 13°06'13" E (Radial)				
CC (	65364)		1848053.93	6690476.96	0.00
	N 77°08'33" W (Chord)				
	N 12°36'42" E (Radial)				
EC (	65363)		1848683.33	6690617.78	0.00
	N 77°23'16" W	9.83			
POE (	65362)		1848685.48	6690608.19	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 75°00'08" W
 Closing Distance: 0.00 ft
 Closed Area: 14.97 sq ft (0.00 ac)
 Perimeter: 31.58 ft
 Precision: 10117.64

EXHIBIT “2”

Legal Description of Temporary Construction Easement

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 0210-211-33

That portion of Parcel 1 of Parcel Map No. 7135, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 71, Pages 48 through 50 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Inland Empire Boulevard, formerly known as G Street, and Haven Avenue as shown on said Parcel Map; thence along the centerline of said Inland Empire Boulevard South $89^{\circ}37'07''$ East 164.06 feet to the beginning of a tangent curve concave southerly having a radius of 1099.94 feet;

thence easterly along said centerline and said curve through a central angle of $17^{\circ}28'40''$, an arc length of 335.53 feet;

thence leaving said centerline and non-tangent from said curve South $17^{\circ}51'32''$ West 75.71 feet to the southerly line of said Inland Empire Boulevard described as Parcel 2 in the Easement Deed recorded March 22, 1983 as Document No. 83-060092 of Official Records in the office of said County Recorder and the **True Point of Beginning**;

thence leaving said southerly line South $65^{\circ}58'30''$ East 8.68 feet;

thence South $68^{\circ}36'26''$ East 2.51 feet to a non-tangent curve concave southeasterly having a radius of 3.00 feet, a radial line to said curve bears North $48^{\circ}42'30''$ West;

thence northeasterly along said curve through a central angle of $47^{\circ}05'39''$, an arc length of 2.47 feet to a compound curve concave southerly having a radius of 142.48 feet, a radial line to said curve bears N $01^{\circ}36'51''$ West;

thence easterly along said curve through a central angle of $01^{\circ}01'51''$, an arc length of 2.56 feet to said southerly line, being on a curve concave southwesterly having a radius of 644.97 feet, a radial line to said curve bears North $13^{\circ}06'13''$ East;

thence southeasterly along said southerly line and said curve through a central angle of $03^{\circ}07'49''$, an arc length of 35.24 feet to a non-tangent curve concave southerly having a radius of 137.48 feet, a radial line to said curve bears North $13^{\circ}43'50''$ East;

thence leaving said southerly line westerly along said curve through a central angle of $17^{\circ}31'46''$, an arc length of 42.06 feet;

thence North $66^{\circ}05'42''$ West 18.30 feet;

thence North 17°33'12" East 3.29 feet to said southerly line;

thence along said southerly line South 77°23'16" East 8.61 feet to the **True Point of Beginning**.

Parcel contains 182 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

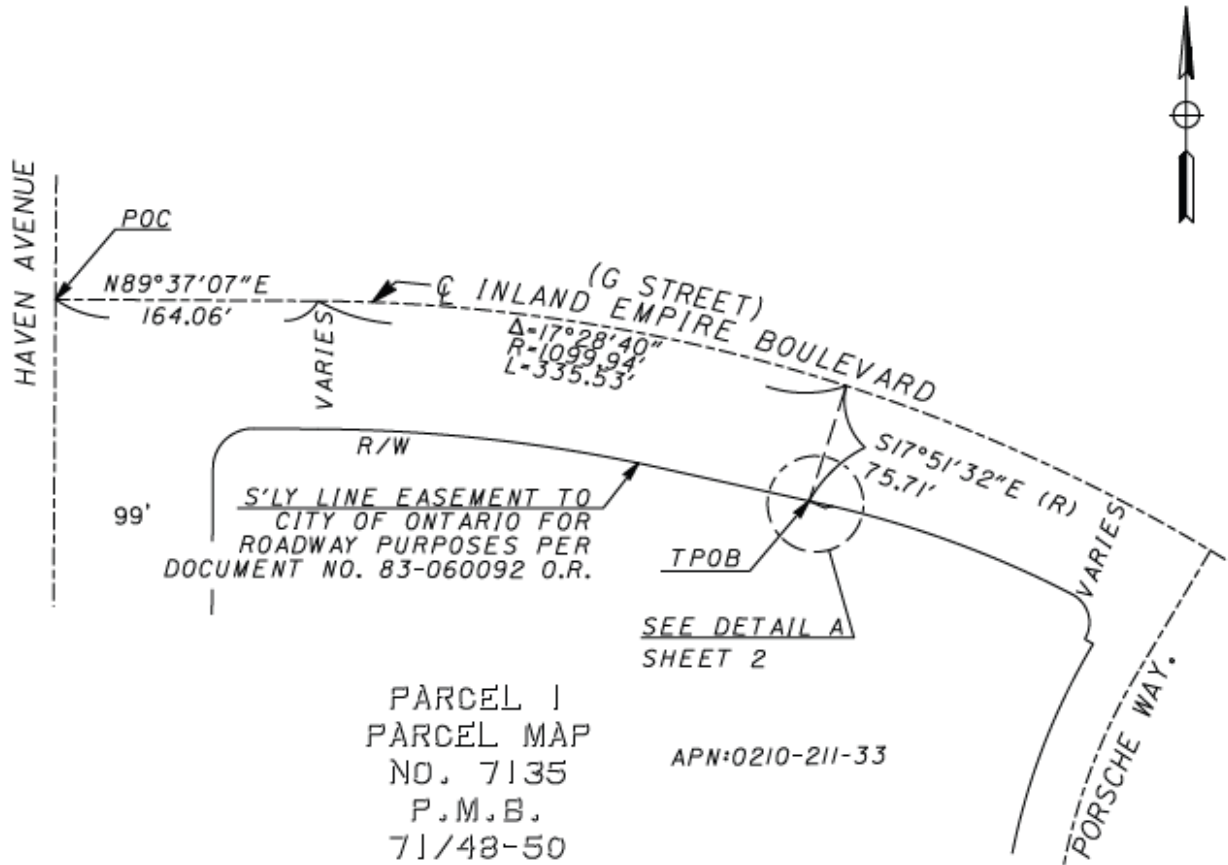
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0210-211-33	TEMPORARY CONSTRUCTION EASEMENT	182 SF



PARCEL 1
PARCEL MAP
NO. 7135
P.M.B.
71/48-50

APN:0210-211-33

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/14/2021

TERI KAHLEN, PLS 8746 DATE



FEET 0 50 100 200 300

PREPARED BY:
PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

SP

SCALE

1"=100'

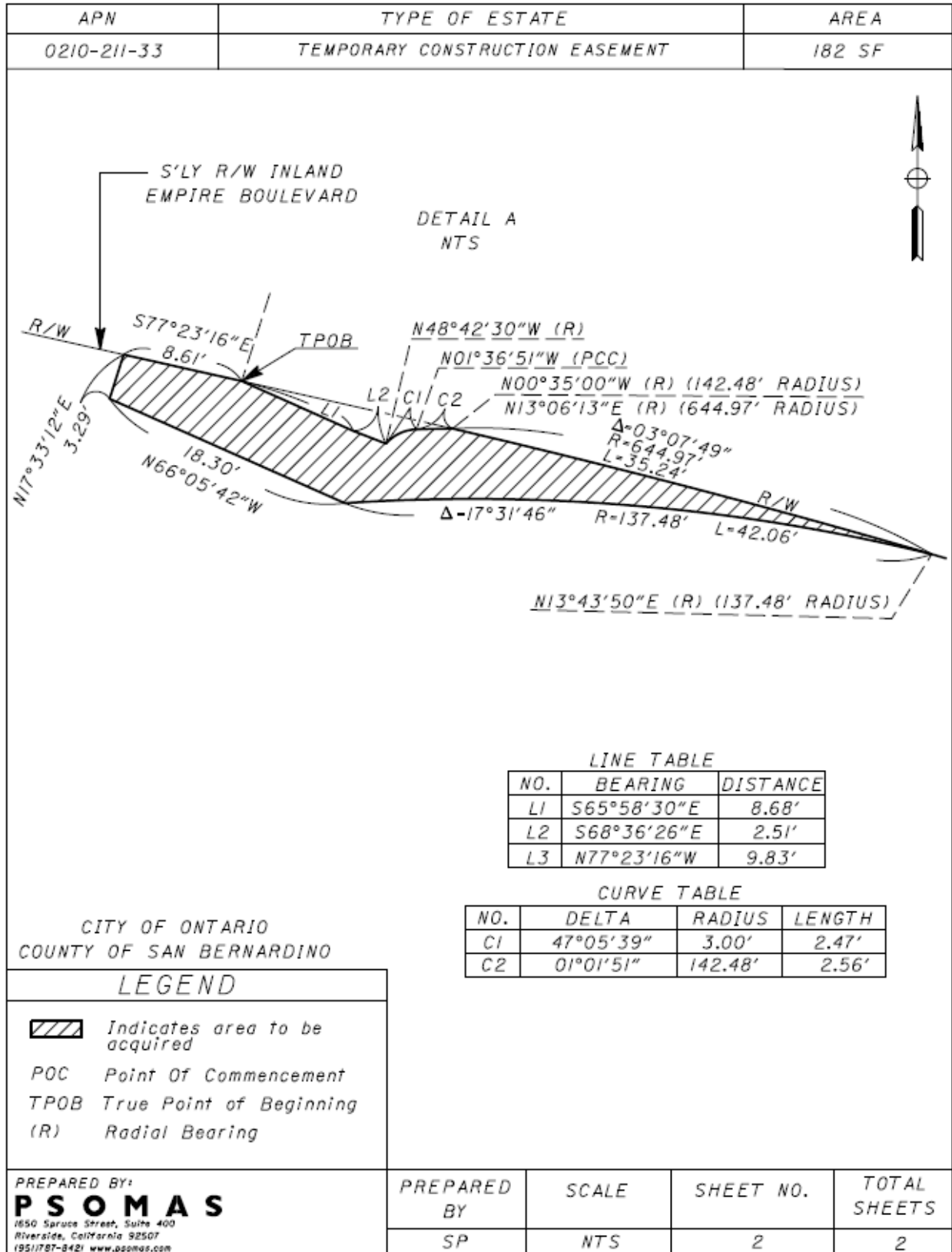
SHEET NO.

1

TOTAL
SHEETS

2

EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0210-211-33 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65362)		1848685.48	6690608.19	0.00
	S 65°58'30" E	8.68			
PI (	65370)		1848681.94	6690616.12	0.00
	S 68°36'26" E	2.51			
BC (	65369)		1848681.03	6690618.45	0.00
	Radius:	3.00			
	Delta:	47°05'39"			
	Length:	2.47			
	Chord:	2.40			
	Tangent:	1.31			
	Middle Ordinate:	0.25			
	External:	0.27			
	S 48°42'30" E (Radial)				
CC (	65367)		1848679.05	6690620.70	0.00
	N 64°50'20" E (Chord)				
	S 1°36'51" E (Radial)				
PCC (	65366)		1848682.05	6690620.62	0.00
	Radius:	142.48			
	Delta:	1°01'51"			
	Length:	2.56			
	Chord:	2.56			
	Tangent:	1.28			
	Middle Ordinate:	0.01			
	External:	0.01			
	S 1°36'51" E (Radial)				
CC (	65373)		1848539.62	6690624.63	0.00
	N 88°54'05" E (Chord)				
	S 0°35'00" E (Radial)				
PCC (	65365)		1848682.10	6690623.18	0.00
	Radius:	644.97			
	Delta:	3°07'49"			
	Length:	35.24			
	Chord:	35.23			
	Tangent:	17.62			
	Middle Ordinate:	0.24			
	External:	0.24			
	S 13°06'13" W (Radial)				
CC (	65364)		1848053.93	6690476.96	0.00
	S 75°19'53" E (Chord)				
	S 16°14'01" W (Radial)				
PRC (	65374)		1848673.18	6690657.26	0.00
	Radius:	137.48			
	Delta:	17°31'46"			
	Length:	42.06			
	Chord:	41.90			
	Tangent:	21.20			
	Middle Ordinate:	1.61			
	External:	1.62			
	N 13°43'50" E (Radial)				
CC (	65373)		1848539.62	6690624.63	0.00
	N 85°02'03" W (Chord)				
	N 3°47'56" W (Radial)				
EC (	65372)		1848676.80	6690615.52	0.00
	N 66°05'42" W	18.30			

PI (	65371)		1848684.22	6690598.80	0.00
	N 17°33'12" E	3.29			
PI (	65361)		1848687.36	6690599.79	0.00
	S 77°23'16" E	8.61			
POE (	65362)		1848685.48	6690608.19	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 5°50'36" W
 Closing Distance: 0.00 ft
 Closed Area: 182.41 sq ft (0.00 ac)
 Perimeter: 123.71 ft
 Precision: 63429.60

RESOLUTION OF NECESSITY No. 22-012

**NRP DEVELOPMENTS, INC., A
CALIFORNIA CORPORATION PROPERTY
(APN 1011-141-06)**

RESOLUTION NO. 22-012

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1011-141-06

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 967 West Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 336 square foot permanent easement legally described and depicted in Exhibit “1” hereto and an approximate 2,455 square foot temporary construction easement legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" and Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication


APN: 1011-141-06

The Northerly 2.40 feet of Lot 17 and Lot 18 of Tract 2950, Roberta Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 40, Page 50 of Maps, in the Office of the County Recorder of said County, said portions of lands for Lot 16 and Lot 17 more particularly described in the Grant Deed, recorded August 02, 2004 as Document No. 2004-0551412, of Official Records, in the Office of the County Recorder of said County.

Parcel contains 336 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: 
William R. Estepa, PLS 8580

Date: 06/29/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-141-06	EASEMENT DEED OF RIGHT OF WAY DEDICATION	336 SF

HOLT BOULEVARD
(A STREET)

50' 50'

R/W R/W

MOUNTAIN AVENUE GRANITE AVENUE

W'LY LINE OF LOT 17 LOT LINE OF LOTS 17 & 18

APN: 1011-132-12 APN: 1011-141-06 APN: 1011-141-07

W'LY LINE OF LAND PER DOC. NO. 2004-0551412 O.R. E'LY LINE OF LOT 18

DOC. NO. 2004-0551412 O.R.

LOT 17 LOT 18

TRACT MAP NO. 2950

ROBERTA TRACT

MB 40/50

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND	
	Indicates area to be acquired
R/W	Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

06/29/2021

WILLIAM R. ESTEPA, PLS 8580 DATE

FEET 0 20 40 80 120

PREPARED BY:
PSOMAS
1850 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
JS	1"=40'	1	1

PROFESSIONAL LAND SURVEYOR
WILLIAM R. ESTEPA
No. 8580
STATE OF CALIFORNIA

Project Name: WVC - RIV
Description: COPY OF OC ALG
Horizontal Alignment Name: 1011-141-06 ROW
Description: FEE ESMT
Style: V_ROW

	STATION	NORTHING	EASTING
Element: Linear			
POB (1659)	0+00.00	1845538.9671	6662474.6143
PI (1689)	0+02.40	1845536.5672	6662474.6322
Tangent Direction:	S 0°25'37" E		
Tangent Length:	2.40		
Element: Linear			
PI (1689)	0+02.40	1845536.5672	6662474.6322
PI (1690)	1+42.40	1845535.5873	6662334.6387
Tangent Direction:	S 89°35'56" W		
Tangent Length:	140.00		
Element: Linear			
PI (1690)	1+42.40	1845535.5873	6662334.6387
PI (1666)	1+44.80	1845537.9872	6662334.6208
Tangent Direction:	N 0°25'37" W		
Tangent Length:	2.40		
Element: Linear			
PI (1666)	1+44.80	1845537.9872	6662334.6208
POE (1659)	2+84.79	1845538.9671	6662474.6143
Tangent Direction:	N 89°35'56" E		
Tangent Length:	140.00		
Area:	335.99 sq.feet	0.01 acres	

EXHIBIT “2”

Legal Description of Temporary Construction Easement

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1011-141-06

Those portions of Lot 17 and Lot 18 of Tract 2950, Roberta Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 40, Page 50 of Maps, in the Office of the County Recorder of said County, said portions of lands for Lot 16 and Lot 17 more particularly described in the Grant Deed, recorded August 02, 2004 as Document No. 2004-0551412, of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Mountain Avenue and Holt Boulevard as shown on the Record of Survey, recorded in Book 20, Page 50 of Records of Survey in the Office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°35'56" East 870.94 feet;

thence leaving said centerline South 00°24'04" East 50.00 feet to a point on the northerly line of said Lot 18, said point also being the northeast corner of said Lot 18;

thence along the easterly line of said Lot 18 South 00°25'37" East 2.40 feet to a line parallel with and distant 2.40 feet southerly of said northerly line of Lot 18 and the **True Point of Beginning**;

thence along said parallel line South 89°35'56" West 140.00 feet to the westerly line of said land described in said Grant Deed;

thence along said westerly line South 00°25'37" East 22.47 feet;

thence leaving said westerly line North 89°36'04" East 47.25 feet;

thence North 00°23'56" West 14.50 feet;

thence North 89°36'04" East 33.36 feet;

thence South 00°23'56" East 11.00 feet;

thence North 89°36'04" East 59.38 feet to said easterly line of said Lot 18;


thence along said easterly line North 00°25'37" West 18.98 feet to the **True Point of Beginning**.

Containing 2,455 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: 
William R. Estepa, PLS 8580

Date: 06/29/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-141-06	TEMPORARY CONSTRUCTION EASEMENT	2,455 SF

N89°35'56"E 870.94'
 S00°24'04"E 50.00'
 S89°35'56"W 140.00'
 R/W
 L2
 L3
 L4
 L5
 L6
 L7
 L8
 TPOB
 MOUNTAIN AVENUE
 PER R.S. 20/50
 APN: 1011-132-12
 W'LY LINE OF LOT 17
 W'LY LINE OF LAND PER DOC. NO. 2004-0551412 O.R.
 TRACT MAP NO. 2950
 ROBERTA TRACT
 MB 40/50
 LOT 17
 LOT 18
 LOT LINE OF LOTS 17 & 18
 E'LY LINE OF LOT 18
 APN: 1011-141-07
 GRANITE AVENUE
 DOC. NO. 2004-0551412 O.R.

NO.	BEARING	DISTANCE
L1	S00°25'37"E	2.40'
L2	S00°25'37"E	22.47'
L3	N89°36'04"E	47.25'
L4	N00°23'56"W	14.50'
L5	N89°36'04"E	33.36'
L6	S00°23'56"E	11.00'
L7	N89°36'04"E	59.38'
L8	N00°25'37"W	18.98'

CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO

LEGEND	
	Indicates area to be acquired
POC	Point Of Commencement
TPOB	True Point of Beginning
R/W	Right-of-Way

THIS PLAT WAS PREPARED
 UNDER MY DIRECTION
 06/29/2021
 WILLIAM R. ESTEPA, PLS 8580 DATE

FEET 0 20 40 80 120

PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
JS	1"=40'	1	1

PREPARED BY:
PSOMAS
 1650 Spruce Street, Suite 400
 Riverside, California 92507
 (951)787-8421 www.psomas.com

PROFESSIONAL LAND SURVEYOR
 WILLIAM R. ESTEPA
 No. 8580
 STATE OF CALIFORNIA

Project Name: WVC - RIV
Description: COPY OF OC ALG
Horizontal Alignment Name: 1011-141-06 TCE
Description: TEMP. CONST. ESMT.
Style: V_ALGN_ESMT

	STATION	NORTHING	EASTING
Element: Linear			
POB (1689)	0+00.00	1845536.5672	6662474.6322
PI (1690)	1+40.00	1845535.5873	6662334.6387
Tangent Direction:	S 89°35'56" W		
Tangent Length:	140.00		
Element: Linear			
PI (1690)	1+40.00	1845535.5873	6662334.6387
PI (1665)	1+62.47	1845513.1167	6662334.8061
Tangent Direction:	S 0°25'37" E		
Tangent Length:	22.47		
Element: Linear			
PI (1665)	1+62.47	1845513.1167	6662334.8061
PI (1664)	2+09.71	1845513.4458	6662382.0518
Tangent Direction:	N 89°36'04" E		
Tangent Length:	47.25		
Element: Linear			
PI (1664)	2+09.71	1845513.4458	6662382.0518
PI (1663)	2+24.21	1845527.9454	6662381.9509
Tangent Direction:	N 0°23'56" W		
Tangent Length:	14.50		
Element: Linear			
PI (1663)	2+24.21	1845527.9454	6662381.9509
PI (1662)	2+57.58	1845528.1777	6662415.3142
Tangent Direction:	N 89°36'04" E		
Tangent Length:	33.36		
Element: Linear			
PI (1662)	2+57.58	1845528.1777	6662415.3142
PI (1661)	2+68.58	1845517.1780	6662415.3908
Tangent Direction:	S 0°23'56" E		
Tangent Length:	11.00		
Element: Linear			
PI (1661)	2+68.58	1845517.1780	6662415.3908
PI (1660)	3+27.96	1845517.5915	6662474.7736
Tangent Direction:	N 89°36'04" E		
Tangent Length:	59.38		
Element: Linear			

PI (1660)	3+27.96	1845517.5915	6662474.7736
POE (1689)	3+46.94	1845536.5672	6662474.6322
Tangent Direction:	N 0°25'37" W		
Tangent Length:	18.98		

Area:	2454.62 sq.feet	0.06 acres
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RESOLUTION OF NECESSITY No. 22-013

**WILLIAM S. SHORT AND AUDREE L.
SHORT PROPERTY**

**(APNS 1011-141-11, 1011-141-13 &
1011-141-30)**

RESOLUTION NO. 22-013

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 1011-141-11, 1011-141-13 & 1011-141-30

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the West Valley Connector Project (the "Project"); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 909 and 925 West Holt Boulevard and West Brooks Street in the City of Ontario, California (the "Property") are required for the Project. The specific portions of the Property required for the Project are a total approximate 981 square foot permanent easement and a total of approximate 6,641 square foot temporary construction easement with a term of twenty-four months. The approximate 981 square foot permanent easement consists of an approximate 620 square foot Permanent Easement from APN 1011-141-11 legally described and depicted in Exhibit "1", an approximate 241 square foot permanent easement on APN 1011-141-13 legally described and depicted in Exhibit "2" hereto, and an approximate 120 square foot permanent easement on APN 1011-141-30 legally described and depicted in Exhibit "3" hereto. The approximate 6,641 square foot temporary construction easement consists of an approximate 2,405 square foot temporary construction easement on APN 1011-141-11 with a term of twenty-four months legally described and depicted on Exhibit "4", an

approximate 2,039 square foot temporary construction easement on APN 1011-141-13 with a term of twenty-four months legally described and depicted in Exhibit “5” hereto, and an approximate 2,197 square foot temporary construction easement on APN 1011-141-30 with a term of twenty-four months legally described and depicted in Exhibit “6” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA’s Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA’s Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on

those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency

of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "6" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and
- (d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan

that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement on APN 1011-141-11

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication


APN: 1011-141-11

That portion of Lot 2 of the Nemaha Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on map filed in Book 11, Page 47 of Maps, in the office of the County Recorder of said County, more particularly described in the Grant Deed, recorded June 17, 1976 in Book 8950, Page 702, of Official Records, in the office of the County Recorder of said County, lying northerly of a line that is parallel with and distant 52.40 feet southerly of the centerline of Holt Boulevard, formerly known as A Street.

Containing 620 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: 
William R. Estepa, PLS 8580

Date: 07/15/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-141-11	EASEMENT DEED OF RIGHT OF WAY DEDICATION	620 SF

S89°35'56"W
 50' 40' 50'
 HOLT BOULEVARD (A STREET)
 R/W
 52.40'
 MOUNTAIN AVENUE
 BOULDER AVENUE
 APN: 1011-141-36
 APN: 1011-141-11
 APN: 1011-141-30
 THE EAST 50' OF THE WEST 309.06' OF LOT 2, NEMAHA TRACT, M.B. 11/47
 (50')
 THE WEST 309.06' OF LOT 2, NEMAHA TRACT, M.B. 11/47
 GRANT DEED
 REC. JUNE 17, 1976
 BOOK 8950 PAGE 702, O.R.
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO
 POR. LOT 2
 NEMAHA TRACT
 M.B. 11/47

LEGEND	
	Indicates area to be acquired
R/W	Right-of-Way
()	Indicates record per Book 8950, Page 702, Grant Deed in O.R. Rec. June 17, 1976

THIS PLAT WAS PREPARED UNDER MY DIRECTION
 07/15/2021
 WILLIAM R. ESTEPA, PLS 8580 DATE

PROFESSIONAL LAND SURVEYOR
 WILLIAM R. ESTEPA
 No. 8580
 STATE OF CALIFORNIA

FEET 0 15 30 60 90

PREPARED BY:	PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 (951)787-8421 www.psomas.com	TKR	1"=30'	1	1

Project Name: WVC - RIV
 Description: COPY OF OC ALG
 Horizontal Alignment Name: 1011-141-11 ROW
 Description: ROW ESMT.
 Style: V_ROW

	STATION	NORTHING	EASTING
Element: Linear			
POB (1705)	0.00	1845551.49	6662834.68
PI (1706)	50.00	1845551.84	6662884.68
Tangent Direction:	N 89^35'56" E		
Tangent Length:	50.00		
Element: Linear			
PI (1706)	50.00	1845551.84	6662884.68
PI (1707)	62.40	1845539.43	6662884.78
Tangent Direction:	S 0^27'11" E		
Tangent Length:	12.40		
Element: Linear			
PI (1707)	62.40	1845539.43	6662884.78
PI (1708)	112.40	1845539.08	6662834.78
Tangent Direction:	S 89^35'56" W		
Tangent Length:	50.00		
Element: Linear			
PI (1708)	112.40	1845539.08	6662834.78
POE (1705)	124.80	1845551.49	6662834.68
Tangent Direction:	N 0^27'11" W		
Tangent Length:	12.40		
Area:	620.17 sq.feet	0.01 acres	

EXHIBIT “2”

Legal Description of Permanent Easement on APN 1011-141-13

EXHIBIT 'A'

**Legal Description
Easement Deed for Right of Way Dedication**

APN: 1011-141-13

That portion of Lot 2 of the Nemaha Tract, in the City of Ontario, County of San Bernardino, State of California, filed in Book 11, Page 47 of Maps, in the office of the County Recorder of said County, described in the Grant Deed recorded September 28, 2000 as Document No. 2000-0353654 of Official Records in the office of said County Recorder, lying northerly of a line that is parallel with and 52.40 feet southerly of the centerline of Holt Boulevard, formerly known as A Street.

Containing 241 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

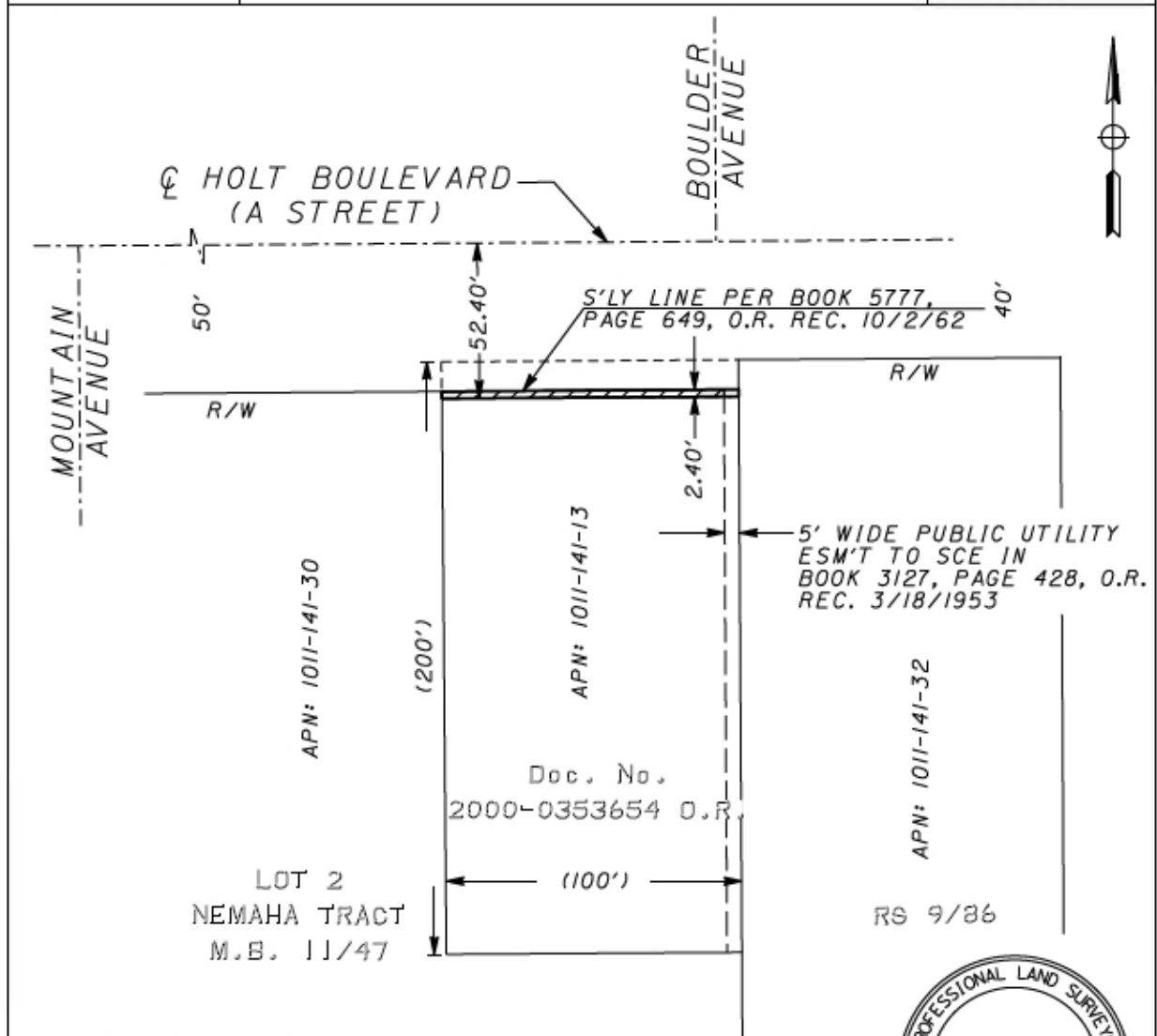
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/9/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-141-13	EASEMENT DEED FOR RIGHT OF WAY DEDICATION	241 SF



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND

- Indicates area to be acquired
- POC Point Of Commencement
- TPOB True Point of Beginning
- () Indicates record per Doc. No. 2000-0353654 O.R.

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 3/9/2021
TERI KAHLEN, PLS 8746 DATE

FEET 0 25 50 100 150

PREPARED BY:
PSOMAS
1650 Spruce Street, Suite 400
Riverside, California 92507
(951) 787-8421 www.psomas.com

PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
SP	1"=50'	1	1



Map Check Report

Project: WVC - OC
 Alignment: 1011-141-13 RE Area
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65076)		1845542.89	6663034.91	0.00
	S 89°35'56" W	100.20			
PI (	65075)		1845542.19	6662934.71	0.00
	S 0°27'11" E	2.40			
PI (	65077)		1845539.78	6662934.73	0.00
	N 89°35'56" E	100.20			
PI (	65078)		1845540.48	6663034.92	0.00
	N 0°19'56" W	2.40			
POE (	65076)		1845542.89	6663034.91	0.00

Northing Error: 0.00 ft
 Easting Error: 0.01 ft
 Closing Direction: S 89°36'27" W
 Closing Distance: 0.01 ft
 Closed Area: 240.89 sq ft (0.01 ac)
 Perimeter: 205.21 ft
 Precision: 40541.71

EXHIBIT “3”

Legal Description of Permanent Easement (APN 1011-141-30)

EXHIBIT 'A'

**Legal Description
Easement Deed for Right of Way Dedication**

APN: 1011-141-30

That portion of Lot 2 of the Nemaha Tract, in the City of Ontario, County of San Bernardino, State of California, filed in Book 11, Page 47 of Maps, in the office of the County Recorder of said County, described in the Grant Deed recorded September 28, 2000 as Document No. 2000-0353660 of Official Records in the office of said County Recorder, lying northerly of a line that is parallel with and 52.40 feet southerly of the centerline of Holt Boulevard, formerly known as A Street.

Containing 120 square feet, more or less

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/16/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-141-30	EASEMENT DEED OF RIGHT OF WAY DEDICATION	120 SF

LOT 2
NEMAHA TRACT
M.B. 11/47

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

() Indicates record per Doc. No. 2000-0353660 O.R.

PREPARED BY:
PSOMAS
1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 3/16/2021
TERI KAHLEN, PLS 8746 DATE

PROFESSIONAL LAND SURVEYOR
TERI KAHLEN
No. 8746
STATE OF CALIFORNIA

FEET 0 25 50 100 150

PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
SP	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1011-141-30 ROW Area
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65075)		1845542.19	6662934.71	0.00
	S 0°27'11" E	2.40			
PI (	65077)		1845539.78	6662934.73	0.00
	S 89°35'56" W	49.95			
PI (	65079)		1845539.43	6662884.78	0.00
	N 0°29'56" W	2.40			
PI (	65106)		1845541.84	6662884.76	0.00
	N 89°35'56" E	49.95			
POE (	65075)		1845542.19	6662934.71	0.00

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 89°31'26" E
 Closing Distance: 0.00 ft
 Closed Area: 120.09 sq ft (0.00 ac)
 Perimeter: 104.71 ft
 Precision: 54535.17

EXHIBIT “4”

Legal Description of Temporary Construction Easement on APN 1011-141-11

EXHIBIT 'A' Legal Description Temporary Construction Easement

APN: 1011-141-11


That portion of Lot 2 of the Nemaha Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on map filed in Book 11, Page 47 of Maps, in the office of the County Recorder of said County, more particularly described in the Grant Deed, recorded June 17, 1976 in Book 8950, Page 702, of Official Records, in the office of the County Recorder of said County, lying northerly of a line that is parallel with and distant 100.50 feet southerly of the centerline of Holt Boulevard, formerly known as A Street.

Excepting that portion lying northerly of a line that is parallel with and distant 52.40 feet southerly of the centerline of Holt Boulevard, formerly known as A Street.

Containing 2,405 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

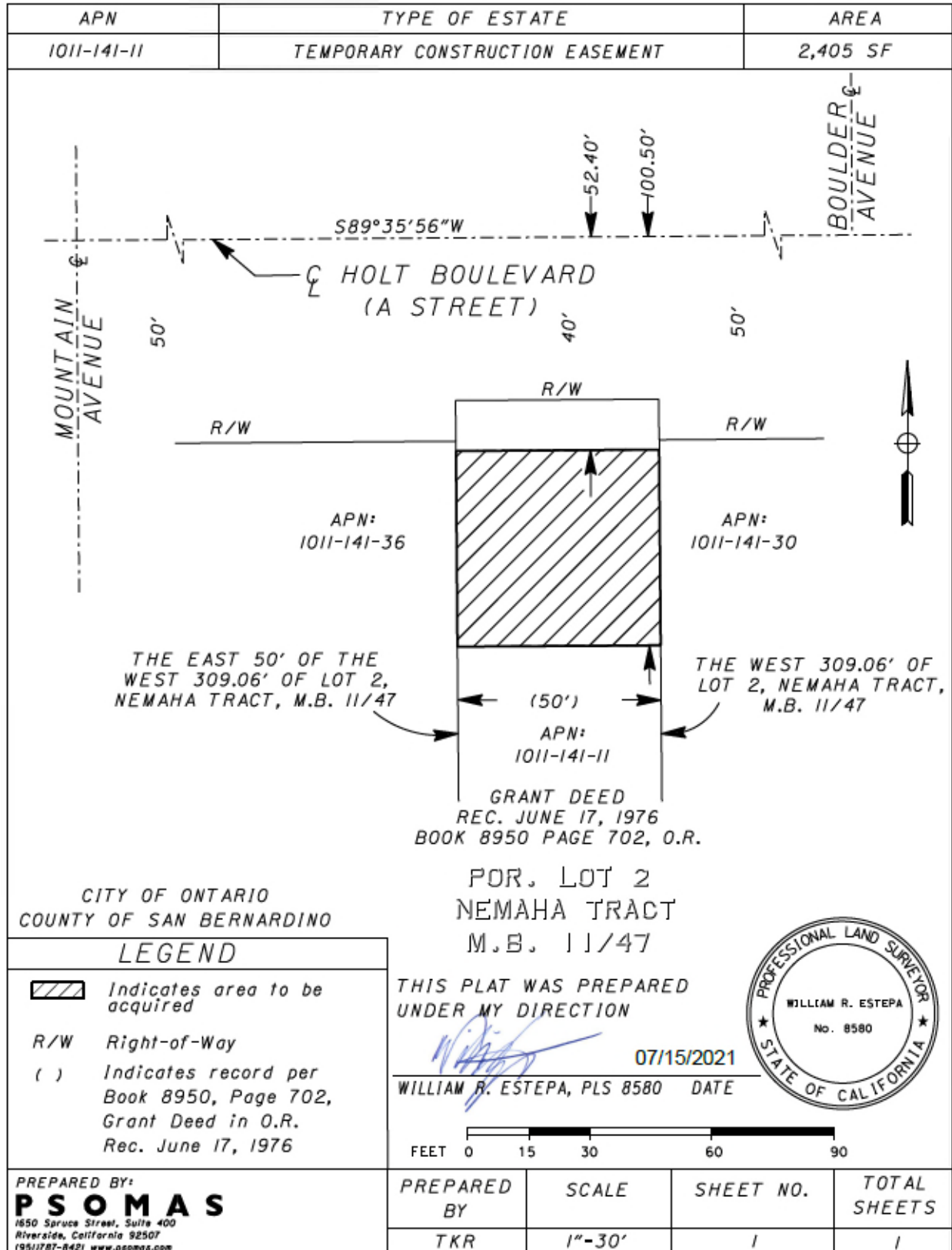
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: 
William R. Estepa, PLS 8580

Date: 07/15/2021



EXHIBIT B



Project Name: WVC - RIV			
Description: COPY OF OC ALG			
Horizontal Alignment Name: 1011-141-11 TCE			
Description: TEMP. CONST. ESMT.			
Style: V_ALGN_ESMT			
	STATION	NORTHING	EASTING
Element: Linear			
POB (1708)	0.00	1845539.08	6662834.78
PI (1710)	48.10	1845490.99	6662835.16
Tangent Direction:	S 0°27'11" E		
Tangent Length:	48.10		
Element: Linear			
PI (1710)	48.10	1845490.99	6662835.16
PI (1709)	98.09	1845491.34	6662885.16
Tangent Direction:	N 89°35'56" E		
Tangent Length:	50.00		
Element: Linear			
PI (1709)	98.09	1845491.34	6662885.16
PI (1707)	146.19	1845539.43	6662884.78
Tangent Direction:	N 0°27'11" W		
Tangent Length:	48.10		
Element: Linear			
PI (1707)	146.19	1845539.43	6662884.78
POE (1708)	196.19	1845539.08	6662834.78
Tangent Direction:	S 89°35'56" W		
Tangent Length:	50.00		
Area:	2404.67 sq.feet	0.06 acres	

EXHIBIT “5”

Legal Description of Temporary Construction Easement on APN 1011-141-13

EXHIBIT 'A' Legal Description Temporary Construction Easement

APN: 1011-141-13

That portion of Lot 2 of the Nemaha Tract, in the City of Ontario, County of San Bernardino, State of California, filed in Book 11, Page 47 of Maps, in the office of the County Recorder of said County, described in the Grant Deed recorded September 28, 2000 as Document No. 2000-0353654 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Boulder Avenue and Holt Boulevard, as shown on Tract Map No. 6862 filed in Book 87, Pages 97 and 98 of Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard, formerly known as A Street South 89°35'56" West 92.97 feet to the northerly prolongation of the westerly line of the land described in said Grant Deed;

thence along said northerly prolongation and said westerly line South 00°27'11" East 52.40 feet to the **True Point of Beginning**;

thence leaving said westerly line North 89°35'56" East 100.20 feet to the easterly line of said land;

thence along said easterly line South 00°19'56" East 23.99 feet;

thence leaving said easterly line South 89°36'04" West 6.08 feet;

thence North 00°25'47" West 10.50 feet;

thence South 89°36'04" West 73.48 feet;

thence South 00°23'56" East 31.50 feet;

thence South 89°36'04" West 11.24 feet;

thence North 00°23'56" West 2.64 feet;

thence South 89°09'30" West 9.32 feet to said westerly line;

thence along said westerly line North 00°27'11" West 42.42 feet to the **True Point of Beginning**.

Containing 2,039 square feet, more or less

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

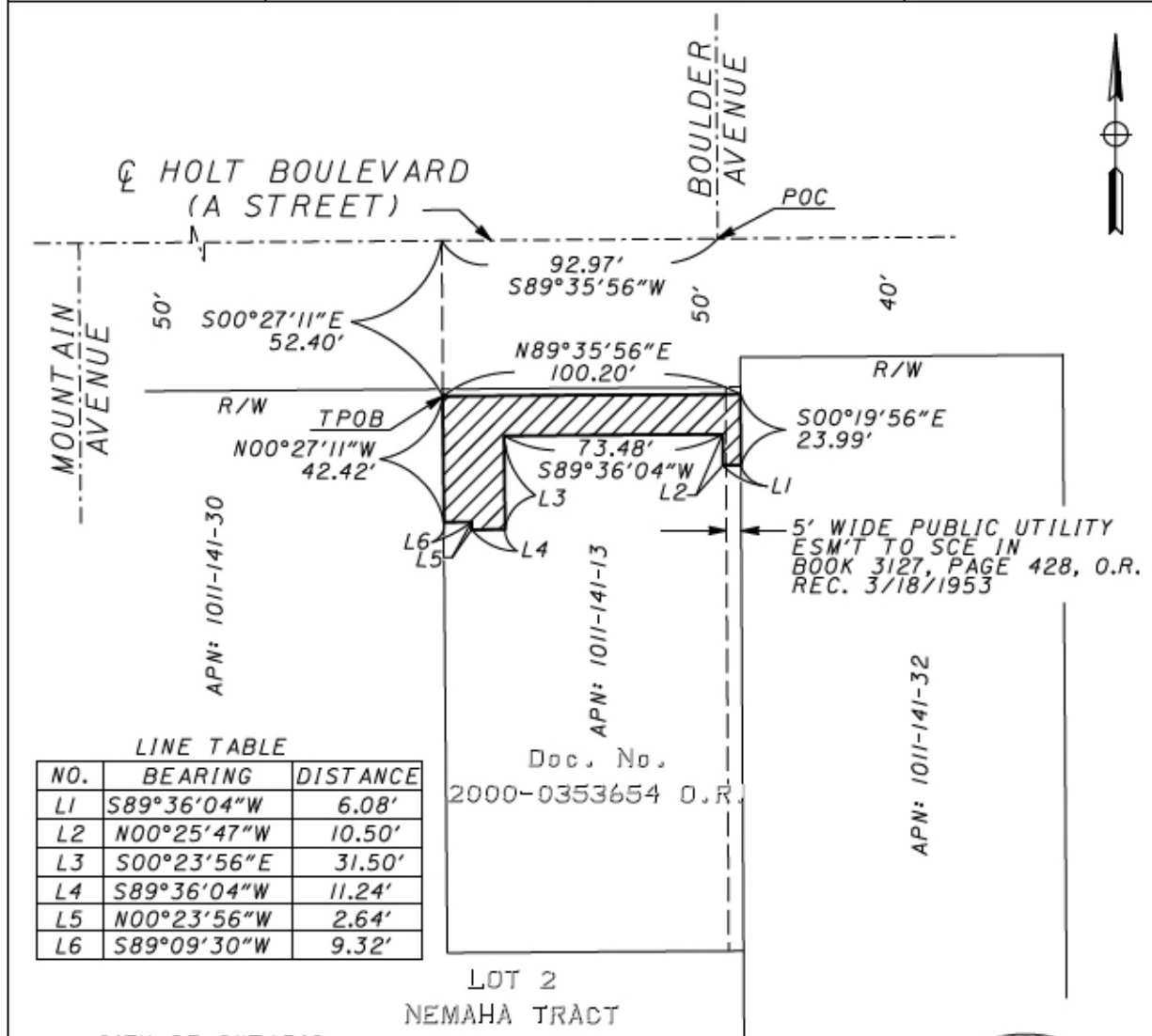
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/9/2021



EXHIBIT B

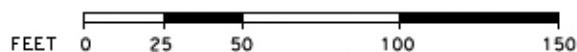
APN	TYPE OF ESTATE	AREA
1011-141-13	TEMPORARY CONSTRUCTION EASEMENT	2,039 SF



LEGEND	
	Indicates area to be acquired
POC	Point Of Commencement
TPOB	True Point of Beginning
(R)	Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 3/9/2021
TERI KAHLEN, PLS 8746 DATE



PREPARED BY:	PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 19511787-8421 www.psomas.com	SP	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1011-141-13 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65077)		1845539.78	6662934.73	0.00
	N 89°35'56" E	100.20			
PI (	65078)		1845540.48	6663034.92	0.00
	S 0°19'56" E	23.99			
PI (	65074)		1845516.49	6663035.06	0.00
	S 89°36'04" W	6.08			
PI (	65073)		1845516.45	6663028.98	0.00
	N 0°25'47" W	10.50			
PI (	65072)		1845526.95	6663028.90	0.00
	S 89°36'04" W	73.48			
PI (	65071)		1845526.44	6662955.42	0.00
	S 0°23'56" E	31.50			
PI (	65070)		1845494.94	6662955.64	0.00
	S 89°36'04" W	11.24			
PI (	65069)		1845494.86	6662944.40	0.00
	N 0°23'56" W	2.64			
PI (	65068)		1845497.50	6662944.38	0.00
	S 89°09'30" W	9.32			
PI (	65067)		1845497.37	6662935.06	0.00
	N 0°27'11" W	42.42			
POE (	65077)		1845539.78	6662934.73	0.00

Northing Error: 0.00 ft
 Easting Error: 0.01 ft
 Closing Direction: S 73°53'57" W
 Closing Distance: 0.01 ft
 Closed Area: 2039.29 sq ft (0.05 ac)
 Perimeter: 311.37 ft
 Precision: 45342.60

EXHIBIT “6”

Legal Description of Temporary Construction Easement on APN 1011-141-30

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1011-141-30

That portion of Lot 2 of the Nemaha Tract, in the City of Ontario, County of San Bernardino, State of California, filed in Book 11, Page 47 of Maps, in the office of the County Recorder of said County, described in the Grant Deed recorded September 28, 2000 as Document No. 2000-0353660 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Boulder Avenue and Holt Boulevard, as shown on Tract Map No. 6862 filed in Book 87, Pages 97 and 98 of Maps in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard, formerly known as A Street South 89°35'56" West 92.97 feet to the northerly prolongation of the easterly line of the land described in said Grant Deed;

thence along said northerly prolongation and said easterly line South 00°27'11" East 52.40 feet to a line that is parallel with and 52.40 feet southerly of the centerline of Holt Boulevard, formerly known as A Street and the **True Point of Beginning**;

thence along said parallel line South 89°35'56" West 49.95 feet to the westerly line of the land described in said Grant Deed;

thence along said westerly line South 00°27'03" East 44.99 feet;

thence leaving said westerly line North 89°36'04" East 29.58 feet;

thence North 00°23'56" West 2.41 feet;

thence North 89°09'30" East 20.38 feet to the easterly line of the land described in said Grant Deed;

thence along said easterly line North 00°27'11" West 42.42 feet to the **True Point of Beginning**.

Containing 2,197 square feet, more or less

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

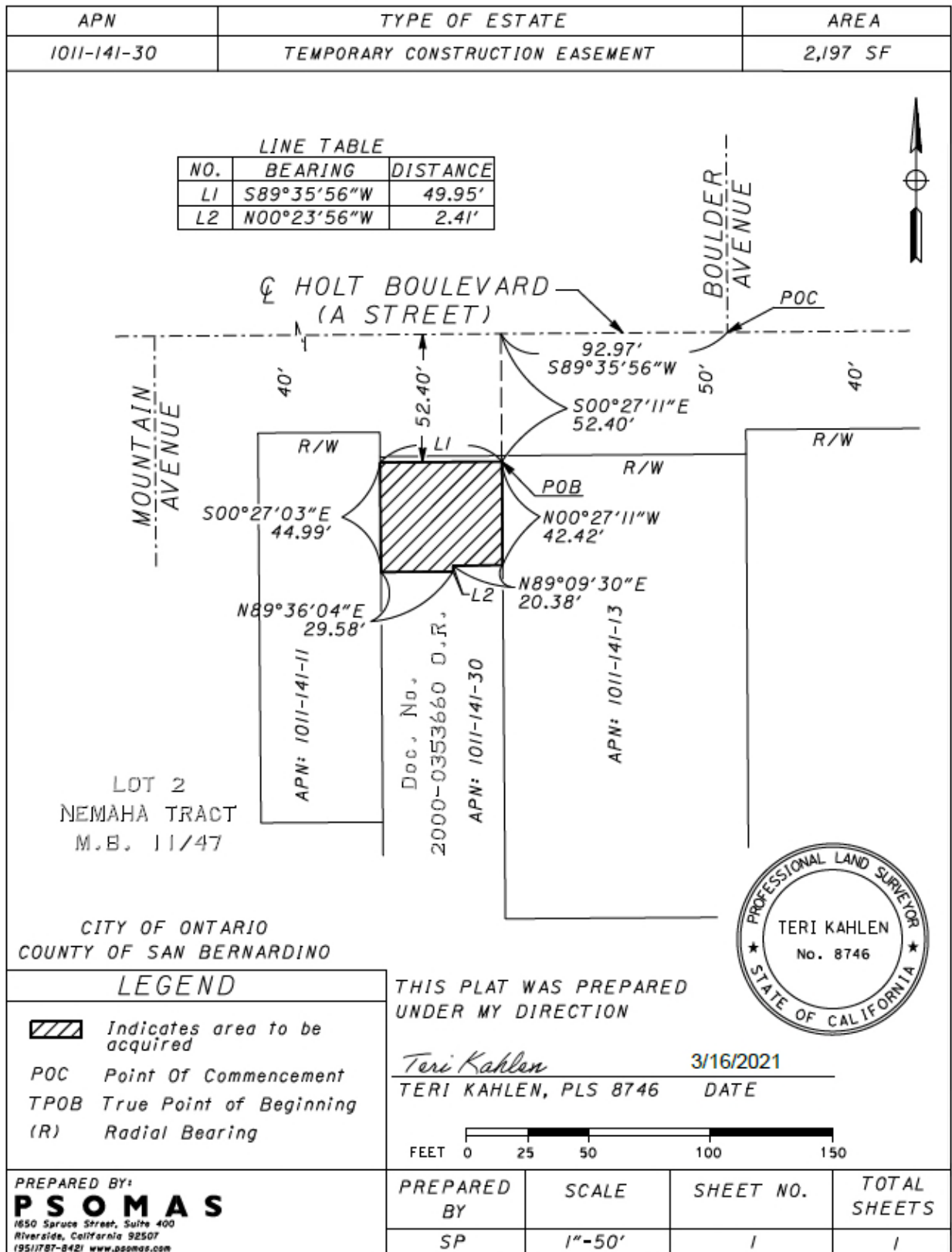
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/16/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1011-141-30 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65077)		1845539.78	6662934.73	0.00
	S 89°35'56" W	49.95			
PI (	65079)		1845539.43	6662884.78	0.00
	S 0°27'03" E	44.99			
PI (	65080)		1845494.45	6662885.13	0.00
	N 89°36'04" E	29.58			
PI (	65081)		1845494.65	6662914.71	0.00
	N 0°23'56" W	2.41			
PI (	65082)		1845497.07	6662914.69	0.00
	N 89°09'30" E	20.38			
PI (	65067)		1845497.37	6662935.06	0.00
	N 0°27'11" W	42.42			
POE (	65077)		1845539.78	6662934.73	0.00

Northing Error: -0.00 ft
 Easting Error: 0.01 ft
 Closing Direction: N 66°35'56" W
 Closing Distance: 0.01 ft
 Closed Area: 2196.52 sq ft (0.05 ac)
 Perimeter: 189.72 ft
 Precision: 17228.27

RESOLUTION OF NECESSITY No. 22-014

HAMID REZA DIBADJ AND TELMA F.
ROSHANRAVAN, TRUSTEES OF THE
DIBADJ FAMILY 2018 REVOCABLE TRUST
PROPERTY

(APN 1011-141-16)

RESOLUTION NO. 22-014

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1011-141-16

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 849 West Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 490 square foot permanent easement legally described and depicted in Exhibit “1” hereto and an approximate 2,589 square foot temporary square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" and Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement on APN 1011-141-16

EXHIBIT 'A'

Legal Description Easement Deed for Right of Way Dedication

APN: 1011-141-16

That portion of Parcel 1 of Parcel Map No. 548, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 5, Page 21 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Granite Avenue and Holt Boulevard, as shown on said Parcel Map No. 548;

thence along the centerline of said Holt Boulevard South $89^{\circ}35'56''$ West 28.00 feet;

thence leaving said centerline South $00^{\circ}24'05''$ East 50.00 feet to the northeast corner of said Parcel 1 and the **True Point of Beginning**;

thence along the easterly line of said Parcel 1, South $00^{\circ}24'05''$ East 30.26 feet;

thence leaving said easterly line South $89^{\circ}32'49''$ West 0.65 feet;

thence North $00^{\circ}32'45''$ West 10.60 feet

thence North $45^{\circ}28'21''$ West 24.43 feet to a line that is parallel with and 52.40 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line South $89^{\circ}35'56''$ West 115.82 feet to the westerly line of said Parcel 1;

thence along said westerly line North $00^{\circ}19'56''$ West 2.40 feet to the northwesterly corner of said Parcel 1;

thence along the northerly line of said Parcel 1 North $89^{\circ}35'56''$ East 133.79 feet to the **True Point of Beginning**.

Containing 490 square feet, more or less

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-141-16	EASEMENT DEED OF RIGHT OF WAY DEDICATION	490 SF

LINE TABLE

NO.	BEARING	DISTANCE
L1	S00°24'05"E	30.26'
L2	S89°32'49"W	0.65'
L3	N00°32'45"W	10.60'
L4	N45°28'21"W	24.43'

① 2' WIDE ESMT FOR PUBLIC UTILITIES
TO GENERAL TELEPHONE CO. RECORDED
8/14/1957 IN BOOK 4302, PAGE 467 O.R.

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 6/14/2021
TERI KAHLEN, PLS 8746 DATE

PROFESSIONAL LAND SURVEYOR
TERI KAHLEN
No. 8746
STATE OF CALIFORNIA

FEET 0 25 50 100 150

PREPARED BY:	SCALE	SHEET NO.	TOTAL SHEETS
PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 19511787-8421 www.psomas.com	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1011-141-16 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65084)		1845544.59	6663277.37	0.00
	S 0°24'05" E	30.26			
PI (	65437)		1845514.33	6663277.58	0.00
	S 89°32'49" W	0.65			
PI (	65085)		1845514.33	6663276.93	0.00
	N 0°32'45" W	10.60			
PI (	65086)		1845524.92	6663276.83	0.00
	N 45°28'21" W	24.43			
PI (	65087)		1845542.06	6663259.42	0.00
	S 89°35'56" W	115.82			
PI (	65088)		1845541.25	6663143.60	0.00
	N 0°19'56" W	2.40			
PI (	65089)		1845543.65	6663143.58	0.00
	N 89°35'56" E	133.79			
POE (	65084)		1845544.59	6663277.37	0.00

Northing Error: -0.01 ft
 Easting Error: 0.00 ft
 Closing Direction: N 1°23'01" W
 Closing Distance: 0.01 ft
 Closed Area: 489.55 sq ft (0.01 ac)
 Perimeter: 317.95 ft
 Precision: 42144.04

EXHIBIT “2”

Legal Description of Temporary Construction Easement on APN 1011-141-16

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1011-141-16

That portion of Parcel 1 of Parcel Map No. 548, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 5, Page 21 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Granite Avenue and Holt Boulevard, as shown on said Parcel Map No. 548;

thence along the centerline of said Holt Boulevard South $89^{\circ}35'56''$ West 28.00 feet to the northerly prolongation of the easterly line of said Parcel 1;

thence along said northerly prolongation and said easterly line South $00^{\circ}24'05''$ East 80.26 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}32'49''$ West 0.65 feet;

thence North $00^{\circ}32'45''$ West 10.60 feet;

thence North $45^{\circ}28'21''$ West 24.43 feet;

thence South $89^{\circ}35'56''$ West 115.82 feet to the westerly line of said Parcel 1;

thence along said westerly line South $00^{\circ}19'56''$ East 34.00 feet;

thence leaving said westerly line North $89^{\circ}36'04''$ East 38.58 feet;

thence North $00^{\circ}23'54''$ West 18.00 feet;

thence North $89^{\circ}36'04''$ East 43.91 feet;

thence North $00^{\circ}23'56''$ West 5.00 feet;

thence North $89^{\circ}36'04''$ East 33.07 feet;

thence South $45^{\circ}28'21''$ East 20.65 feet;

thence South $00^{\circ}32'45''$ East 5.27 feet;

thence North 89°32'49" East 3.64 feet to said easterly line;

thence along said easterly line North 00°24'05" West 3.00 feet to the **True Point of Beginning**.

Containing 2,589 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

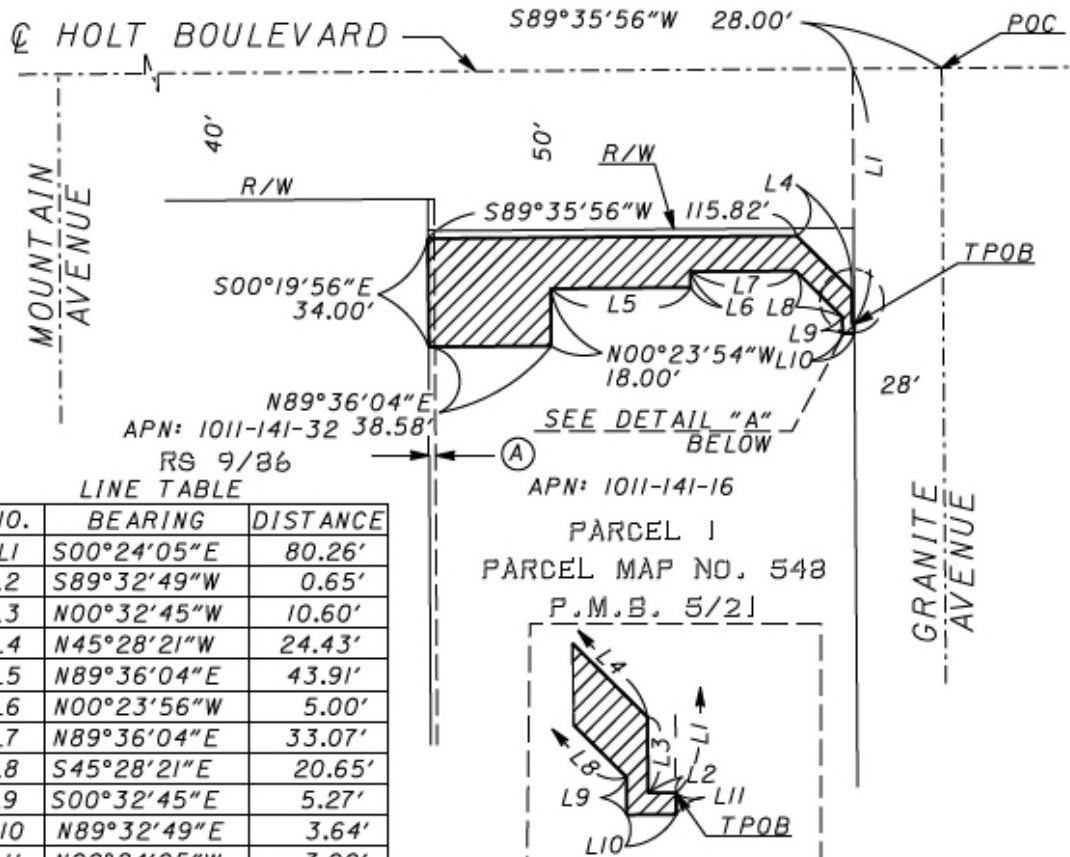
Date: 6/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-141-16	TEMPORARY CONSTRUCTION EASEMENT	2,589 SF

(A) 2' WIDE ESMT FOR PUBLIC UTILITIES
TO GENERAL TELEPHONE CO. RECORDED
8/14/1957 IN BOOK 4302, PAGE 467 O.R.



NO.	BEARING	DISTANCE
L1	S00°24'05"E	80.26'
L2	S89°32'49"W	0.65'
L3	N00°32'45"W	10.60'
L4	N45°28'21"W	24.43'
L5	N89°36'04"E	43.91'
L6	N00°23'56"W	5.00'
L7	N89°36'04"E	33.07'
L8	S45°28'21"E	20.65'
L9	S00°32'45"E	5.27'
L10	N89°32'49"E	3.64'
L11	N00°24'05"W	3.00'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 6/14/2021
TERI KAHLEN, PLS 8746 DATE

FEET 0 25 50 100 150



PREPARED BY:
PSOMAS
1650 Spruce Street, Suite 400
Riverside, California 92507
(951) 787-8421 www.psomas.com

PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
SP	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1011-141-16 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65437)		1845514.33	6663277.58	0.00
	S 89°32'49" W	0.65			
PI (	65085)		1845514.33	6663276.93	0.00
	N 0°32'45" W	10.60			
PI (	65086)		1845524.92	6663276.83	0.00
	N 45°28'21" W	24.43			
PI (	65087)		1845542.06	6663259.42	0.00
	S 89°35'56" W	115.82			
PI (	65088)		1845541.25	6663143.60	0.00
	S 0°19'56" E	34.00			
PI (	65097)		1845507.25	6663143.79	0.00
	N 89°36'04" E	38.58			
PI (	65096)		1845507.52	6663182.38	0.00
	N 0°23'54" W	18.00			
PI (	65095)		1845525.52	6663182.25	0.00
	N 89°36'04" E	43.91			
PI (	65094)		1845525.82	6663226.16	0.00
	N 0°23'56" W	5.00			
PI (	65093)		1845530.82	6663226.12	0.00
	N 89°36'04" E	33.07			
PI (	65092)		1845531.05	6663259.19	0.00
	S 45°28'21" E	20.65			
PI (	65438)		1845516.57	6663273.91	0.00
	S 0°32'45" E	5.27			
PI (	65091)		1845511.30	6663273.96	0.00
	N 89°32'49" E	3.64			
PI (	65090)		1845511.33	6663277.60	0.00
	N 0°24'05" W	3.00			
POE (	65437)		1845514.33	6663277.58	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 13°25'36" W
 Closing Distance: 0.00 ft
 Closed Area: 2589.40 sq ft (0.06 ac)
 Perimeter: 356.62 ft
 Precision: 155631.96

RESOLUTION OF NECESSITY No. 22-015

KHANG BAO LIEU

(APN 1011-141-35)

RESOLUTION NO. 22-015

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1011-141-35

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 943 West Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portion of the Property required for the Project is an approximate 971 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “1” hereto (“Subject Property Interest”); and

WHEREAS, to the extent the Subject Property Interest or any portion thereof is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interest in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interest to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interest is to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally,

transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interest.

Section 5. Description of the Subject Property Interest. The Subject Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interest SBCTA seeks to acquire is necessary for the Project; and
- (d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interest is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interest, or any portion thereof, is already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interest, or portion thereof, is currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interest needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan

specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interest for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interest for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interest, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interest in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interest at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Temporary Construction Easement

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1011-141-35

That portion of Lot 2 of the Nemaha Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 11, Page 47 of Maps in the office of the County Recorder of said County, described as Parcel 2 in the Grant Deed recorded June 1, 2004 as Document No. 2004-0382117 of Official Records in the office of said County Recorder, described as follows:

Parcel A

Commencing at the centerline intersection of Mountain Avenue and Holt Boulevard, as shown on Parcel Map No. 3744, per map filed in Book 36, Page 32 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'56''$ East 1,110.05 feet to the northerly prolongation of the easterly line of said Parcel 2;

thence along said prolongation and said easterly line South $00^{\circ}27'11''$ East 60.00 feet to a line that is parallel with and 60.00 feet southerly of the centerline of said Holt Boulevard and the **True Point of Beginning**;

thence along said parallel line South $89^{\circ}35'56''$ West 5.33 feet to a point hereinafter referred to as Point "A";

thence leaving said parallel line South $00^{\circ}23'48''$ East 4.22 feet;

thence North $89^{\circ}36'22''$ East 5.33 feet to said easterly line;

thence along said easterly line North $00^{\circ}27'11''$ West 4.22 feet to the **True Point of Beginning**.

Parcel A contains 23 square feet, more or less.

Parcel B

Commencing at the above described Point "A";

thence along said parallel line South 89°35'56" West 17.74 feet to the **True Point of Beginning**;

thence continuing along said parallel line South 89°35'56" West 58.06 feet to a point hereinafter referred to as Point "B";

thence leaving said parallel line South 00°23'56" East 9.38 feet;

thence North 89°36'04" East 58.06 feet;

thence North 00°23'56" West 9.38 feet to the **True Point of Beginning**.

Parcel B contains 545 square feet, more or less.

Parcel C

Commencing at the above described Point "B";

thence along said parallel line South 89°35'56" West 16.06 feet to the **True Point of Beginning**;

thence continuing along said parallel line South 89°35'56" West 33.91 feet to the westerly line of said Parcel 2;

thence along said westerly line South 00°27'11" East 11.88 feet;

thence leaving said westerly line North 89°36'04" East 33.90 feet;

thence North 00°23'56" West 11.88 feet to the **True Point of Beginning**.

Parcel C contains 403 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

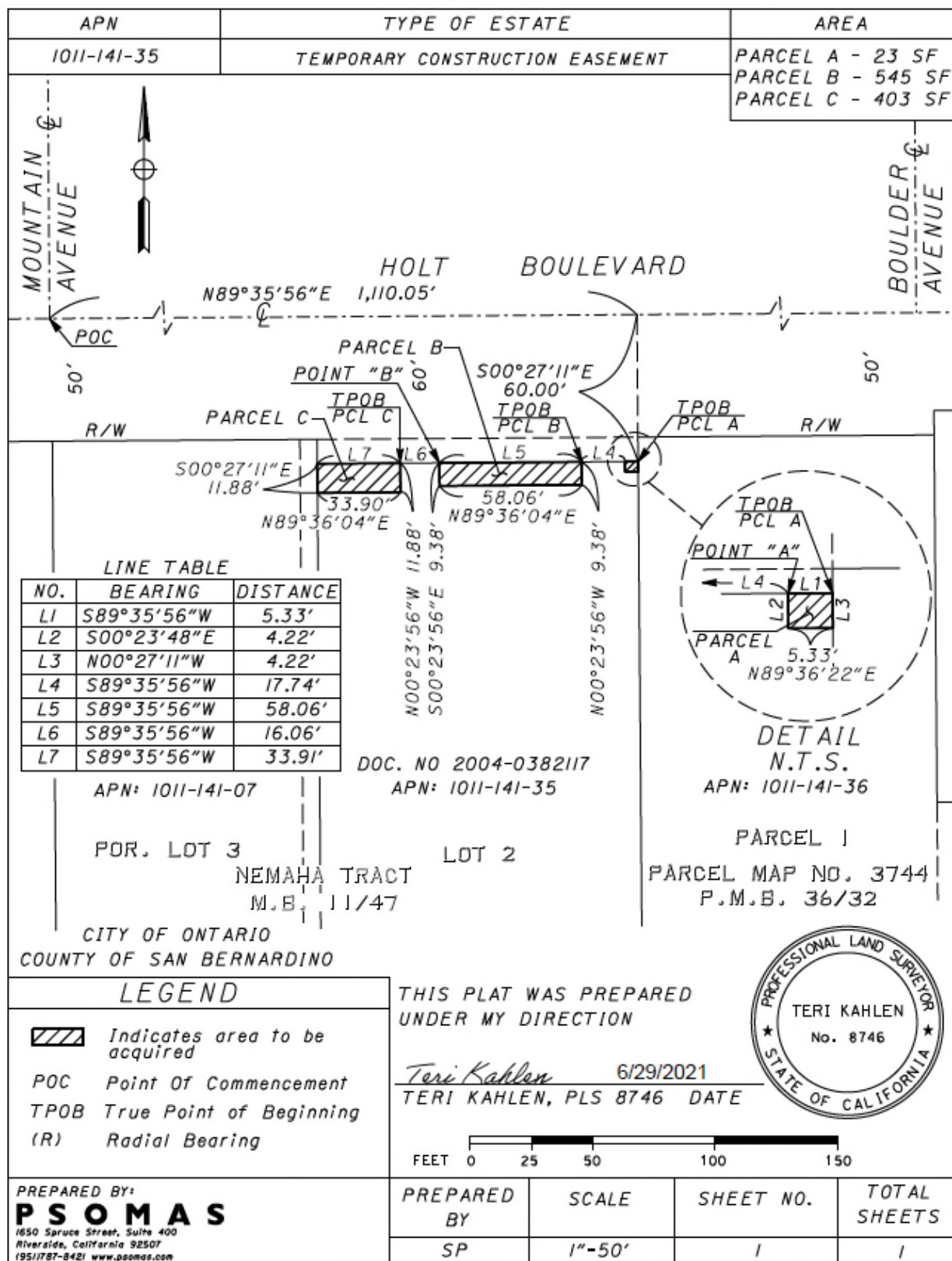
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/29/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1011-141-35 TCE PCL A
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65485)		1845530.64	6662713.85	0.00
	S 89°35'56" W	5.33			
PI (	65486)		1845530.60	6662708.52	0.00
	S 0°23'48" E	4.22			
PI (	65487)		1845526.38	6662708.55	0.00
	N 89°36'22" E	5.33			
PI (	85246)		1845526.42	6662713.88	0.00
	N 0°27'11" W	4.22			
POE (	65485)		1845530.64	6662713.85	0.00

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 80°23'13" E
 Closing Distance: 0.00 ft
 Closed Area: 22.51 sq ft (0.00 ac)
 Perimeter: 19.11 ft
 Precision: 4539.50

Map Check Report

Project: WVC - OC
 Alignment: 1011-141-35 TCE PCL B
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65488)		1845530.48	6662690.79	0.00
	S 89°35'56" W	58.06			
PI (	65491)		1845530.07	6662632.72	0.00
	S 0°23'56" E	9.38			
PI (	65490)		1845520.69	6662632.79	0.00
	N 89°36'04" E	58.06			
PI (	65489)		1845521.10	6662690.85	0.00
	N 0°23'56" W	9.38			
POE (	65488)		1845530.48	6662690.79	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 0°24'00" W
 Closing Distance: 0.00 ft
 Closed Area: 544.81 sq ft (0.01 ac)
 Perimeter: 134.89 ft
 Precision: 59897.08

Map Check Report

Project: WVC - OC
 Alignment: 1011-141-35 TCE PCL C
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65492)		1845529.96	6662616.67	0.00
	S 89°35'56" W	33.91			
PI (	65495)		1845529.72	6662582.76	0.00
	S 0°27'11" E	11.88			
PI (	65494)		1845517.84	6662582.85	0.00
	N 89°36'04" E	33.90			
PI (	65493)		1845518.08	6662616.75	0.00
	N 0°23'56" W	11.88			
POE (	65492)		1845529.96	6662616.67	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 43°37'32" W
 Closing Distance: 0.00 ft
 Closed Area: 402.84 sq ft (0.01 ac)
 Perimeter: 91.58 ft
 Precision: 50937.36

RESOLUTION OF NECESSITY No. 22-016

HOLT-SAN ANTONIO LLC, A CALIFORNIA

LIMITED LIABILITY COMPANY PROPERTY

(APN 1048-591-28)

RESOLUTION NO. 22-016

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1048-591-28

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 668 and 646 West Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 828 square foot permanent easement legally described and depicted in Exhibit “1” hereto and an approximate 525 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" and Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication

APN: 1048-591-28

That portion of Parcel 2 of Parcel Map No. 9753, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 116, Pages 26 and 27 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of San Antonio Avenue and Holt Boulevard, as shown on said Parcel Map;

thence along the centerline of said Holt Boulevard North 89°35'36" East 151.64 feet;

thence leaving said centerline North 00°24'24" West 60.00 feet to the northeasterly corner of the land described in the Easement Deed recorded August 15, 1988 as Document No. 88-267538, of Official Records in the office of said County Recorder, and the **True Point of Beginning**;

thence along the easterly line of said Parcel 2, North 00°24'24" West 6.03 feet;

thence leaving said easterly line South 89°36'04" West 7.85 feet;

thence North 00°23'56" West 0.67 feet;

thence South 89°36'04" West 75.12 feet;

thence North 57°26'36" West 29.40 feet to the easterly line of said San Antonio Avenue;

thence along said easterly line South 00°24'32" East 2.71 feet to a point on that certain tangent curve described as being concave northwesterly and having a radius of 20.00 feet in said Easement Deed;

thence southeasterly 31.42 feet along said certain curve through a central angle of 89°59'52" to a line that is parallel with and 60.00 feet northerly of the centerline of said Holt Boulevard;

thence along said parallel line, North 89°35'36" East 87.64 feet to the **True Point of Beginning**;

Containing 828 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

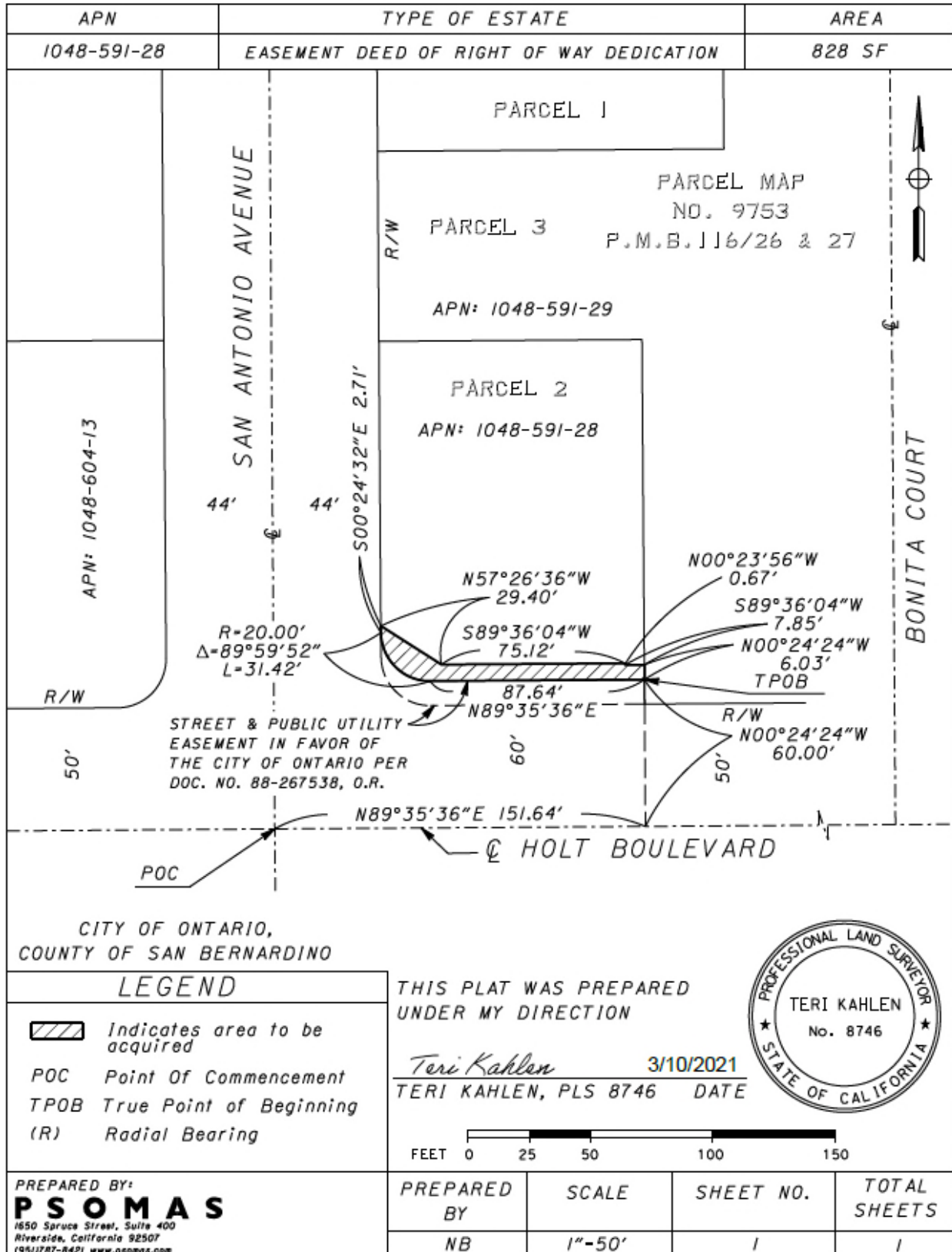
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/10/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-591-28 RE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85040)		1845663.879	6664602.665	0.000
	N 0°24'24" W	6.03			
POT (	85041)		1845669.913	6664602.622	0.000
	S 89°36'04" W	7.85			
POT (	85059)		1845669.858	6664594.768	0.000
	N 0°23'56" W	0.67			
POT (	85060)		1845670.525	6664594.764	0.000
	S 89°36'04" W	75.12			
POT (	85061)		1845670.002	6664519.644	0.000
	N 57°26'36" W	29.40			
POT (	85062)		1845685.821	6664494.866	0.000
	S 0°24'32" E	2.71			
TC (	85063)		1845683.114	6664494.885	0.000
	Radius:	20.00			
	Delta:	89°59'52"			
	Length:	31.42			
	Chord:	28.28			
	Tangent:	20.00			
	Middle Ordinate:	5.86			
	External:	8.28			
	S 89°35'28" W (Radial)				
CC (	85064)		1845683.257	6664514.885	0.000
	S 45°24'28" E (Chord)				
	S 0°24'24" E (Radial)				
CT (	85065)		1845663.258	6664515.026	0.000
	N 89°35'36" E	87.64			
POT (	85040)		1845663.879	6664602.665	0.000

Northing Error: 0.001 ft
 Easting Error: 0.000 ft
 Closing Direction: S 17°18'19" W
 Closing Distance: 0.001 ft
 Closed Area: 828.1 sq ft (0.0 ac)
 Perimeter: 240.836 ft
 Precision: 177444.251

EXHIBIT “2”

Legal Description of Temporary Construction Easement

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1048-591-28

That portion of Parcel 2 of Parcel Map No. 9753, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 116, Pages 26 and 27 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of San Antonio Avenue and Holt Boulevard, as shown on said Parcel Map;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'36''$ East 151.64 feet;

thence leaving said centerline and along the easterly line of said Parcel 2 and its southerly prolongation, North $00^{\circ}24'24''$ West 66.03 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}36'04''$ West 7.85 feet;

thence North $00^{\circ}23'56''$ West 0.67 feet;

thence South $89^{\circ}36'04''$ West 75.12 feet;

thence North $57^{\circ}26'36''$ West 29.40 feet to the westerly line of said Parcel 2;

thence along said westerly line North $00^{\circ}24'32''$ West 5.16 feet;

thence leaving said westerly line South $57^{\circ}26'36''$ East 21.82 feet to the beginning of a non-tangent curve concave northeasterly, having a radius of 30.00 feet, a radial line to said curve bears South $43^{\circ}05'57''$ West;

thence southeasterly 22.78 feet along said curve through a central angle of $43^{\circ}29'54''$;

thence North $89^{\circ}36'04''$ East 7.89 feet;

thence North $81^{\circ}04'50''$ East 14.47 feet;

thence South 89°45'22" East 20.68 feet to the beginning of a non-tangent curve concave northwesterly, having a radius of 38.30 feet, a radial line to said curve bears South 20°31'04" East;

thence northeasterly 15.71 feet along said curve through a central angle of 23°30'16" to a non-tangent curve concave southeasterly, having a radius of 2.60 feet, a radial line to said curve bears North 79°36'30" West;

thence northeasterly 4.21 feet along said curve through a central angle of 92°48'17";

thence North 00°23'56" West 1.09 feet;

thence North 89°36'04" East 9.39 feet to the easterly line of said Parcel 2;

thence along said easterly line South 00°24'24" East 15.00 feet to the **True Point of Beginning**;

Containing 525 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/10/2021



EXHIBIT B

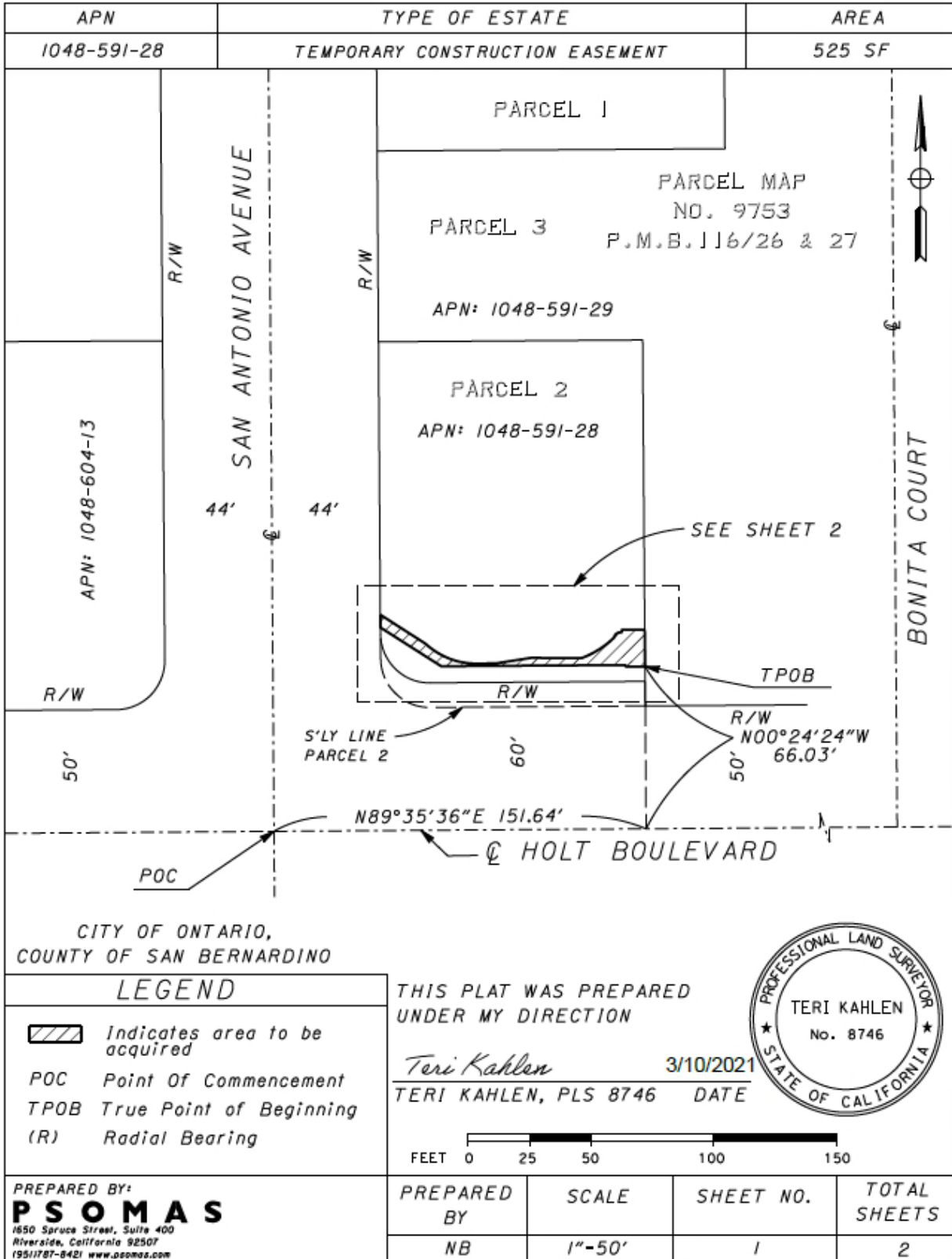
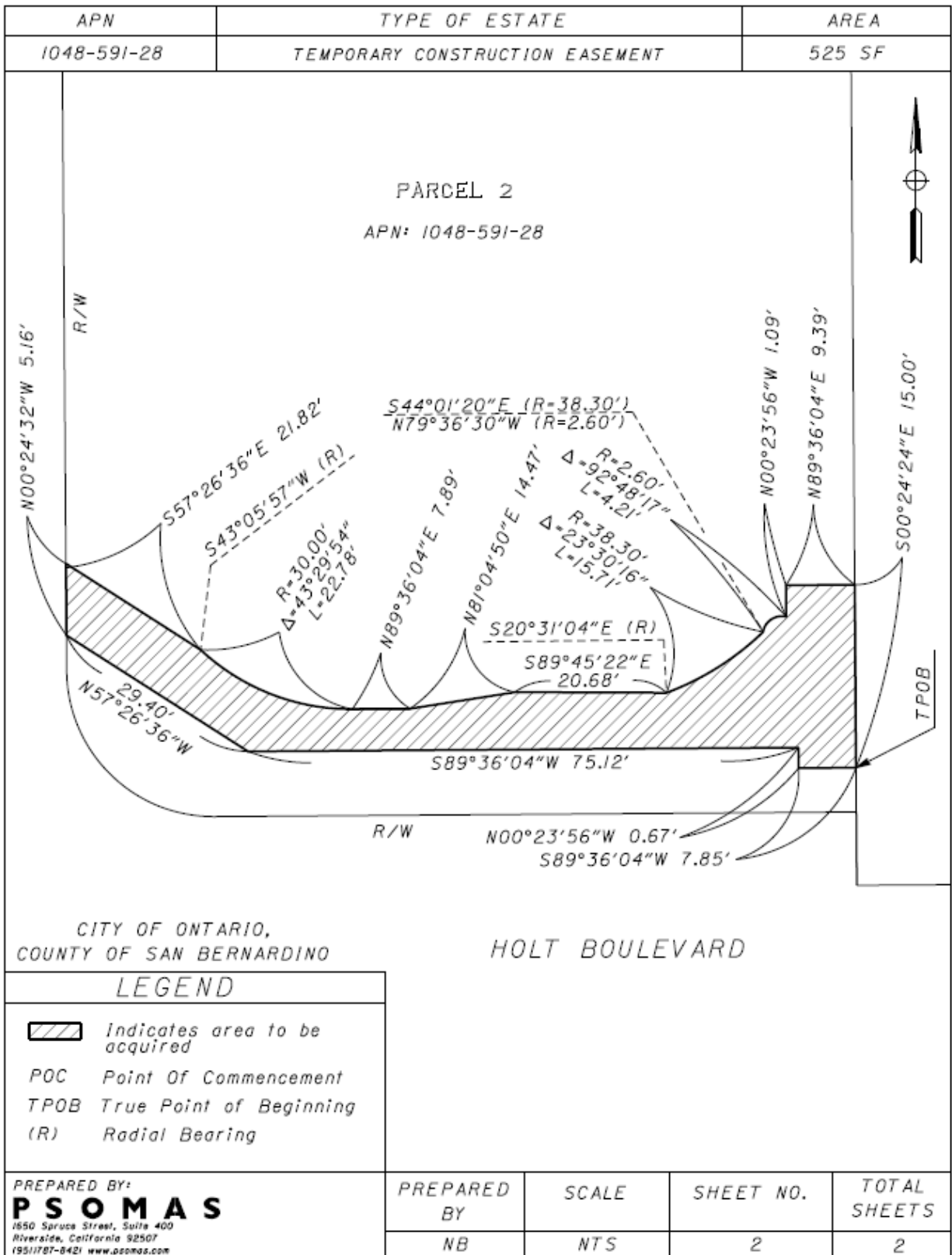


EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-591-28 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85041)		1845669.913	6664602.622	0.000
	S 89°36'04" W	7.85			
POT (	85059)		1845669.858	6664594.768	0.000
	N 0°23'56" W	0.67			
POT (	85060)		1845670.525	6664594.764	0.000
	S 89°36'04" W	75.12			
POT (	85061)		1845670.002	6664519.644	0.000
	N 57°26'36" W	29.40			
POT (	85062)		1845685.821	6664494.866	0.000
	N 0°24'32" W	5.16			
POT (	85066)		1845690.986	6664494.829	0.000
	S 57°26'36" E	21.82			
TC (	85067)		1845679.245	6664513.218	0.000
	Radius:	30.00			
	Delta:	43°29'54"			
	Length:	22.78			
	Chord:	22.23			
	Tangent:	11.97			
	Middle Ordinate:	2.14			
	External:	2.30			
	S 43°05'57" W (Radial)				
CC (	85068)		1845701.150	6664533.716	0.000
	S 68°39'00" E (Chord)				
	S 0°23'56" E (Radial)				
CT (	85069)		1845671.151	6664533.925	0.000
	N 89°36'04" E	7.89			
POT (	85070)		1845671.206	6664541.813	0.000
	N 81°04'50" E	14.47			
POT (	85071)		1845673.450	6664556.111	0.000
	S 89°45'22" E	20.68			
TC (	85032)		1845673.362	6664576.791	0.000
	Radius:	38.30			
	Delta:	23°30'16"			
	Length:	15.71			
	Chord:	15.60			
	Tangent:	7.97			
	Middle Ordinate:	0.80			
	External:	0.82			
	S 20°31'04" E (Radial)				
CC (	85033)		1845709.232	6664563.367	0.000
	N 57°43'48" E (Chord)				
	S 44°01'20" E (Radial)				
PRC (	85077)		1845681.692	6664589.983	0.000
	Radius:	2.60			
	Delta:	92°48'17"			
	Length:	4.21			
	Chord:	3.77			
	Tangent:	2.73			
	Middle Ordinate:	0.81			
	External:	1.17			
	S 79°36'30" E (Radial)				
CC (	85086)		1845681.223	6664592.540	0.000
	N 56°47'39" E (Chord)				
	S 13°11'47" W (Radial)				

CT (85087)		1845683.754	6664593.134	0.000
N 0°23'56" W	1.09			
POT (85081)		1845684.847	6664593.126	0.000
N 89°36'04" E	9.39			
POT (85082)		1845684.912	6664602.515	0.000
S 0°24'24" E	15.00			
POT (85041)		1845669.913	6664602.622	0.000

Northing Error: -0.002 ft
Easting Error: 0.004 ft
Closing Direction: N 63°26'37" W
Closing Distance: 0.005 ft
Closed Area: 524.7 sq ft (0.0 ac)
Perimeter: 251.244 ft
Precision: 53086.904

RESOLUTION OF NECESSITY No. 22-017

**MMOS INC., A CALIFORNIA
CORPORATION PROPERTY
(APN 1048-604-14)**

RESOLUTION NO. 22-017

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1048-604-14

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 724 West Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,851 square foot permanent easement legally described and depicted in Exhibit “1” hereto and an approximate 3,192 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" and Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication

APN: 1048-604-14

That portion of Lot 1006, According to Map of Ontario, in the City of Ontario, County of San Bernardino, State of California per map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described by Grant Deed recorded June 12, 2020 as Document No. 2020-0195405 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of San Antonio Drive and Holt Boulevard, as shown on the Record of Survey filed in Book 16, Page 46 of Records of Survey in the office of the said County Recorder;

thence along the centerline of said Holt Boulevard South 89°35'56" West 203.09 feet;

thence leaving said centerline North 00°24'32" West 50.00 feet to the southeasterly corner of the land described in said Grant Deed and the **True Point of Beginning**;

thence along the easterly line of said land, North 00°24'32" West 15.15 feet;

thence leaving said easterly line South 87°27'12" West 150.12 feet to the westerly line of said land;

thence along said westerly line South 00°24'32" East 9.53 feet to the southwesterly corner of said land;

thence along the southerly line of said land, North 89°35'56" East 150.02 feet to the **True Point of Beginning**;

Containing 1,851 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

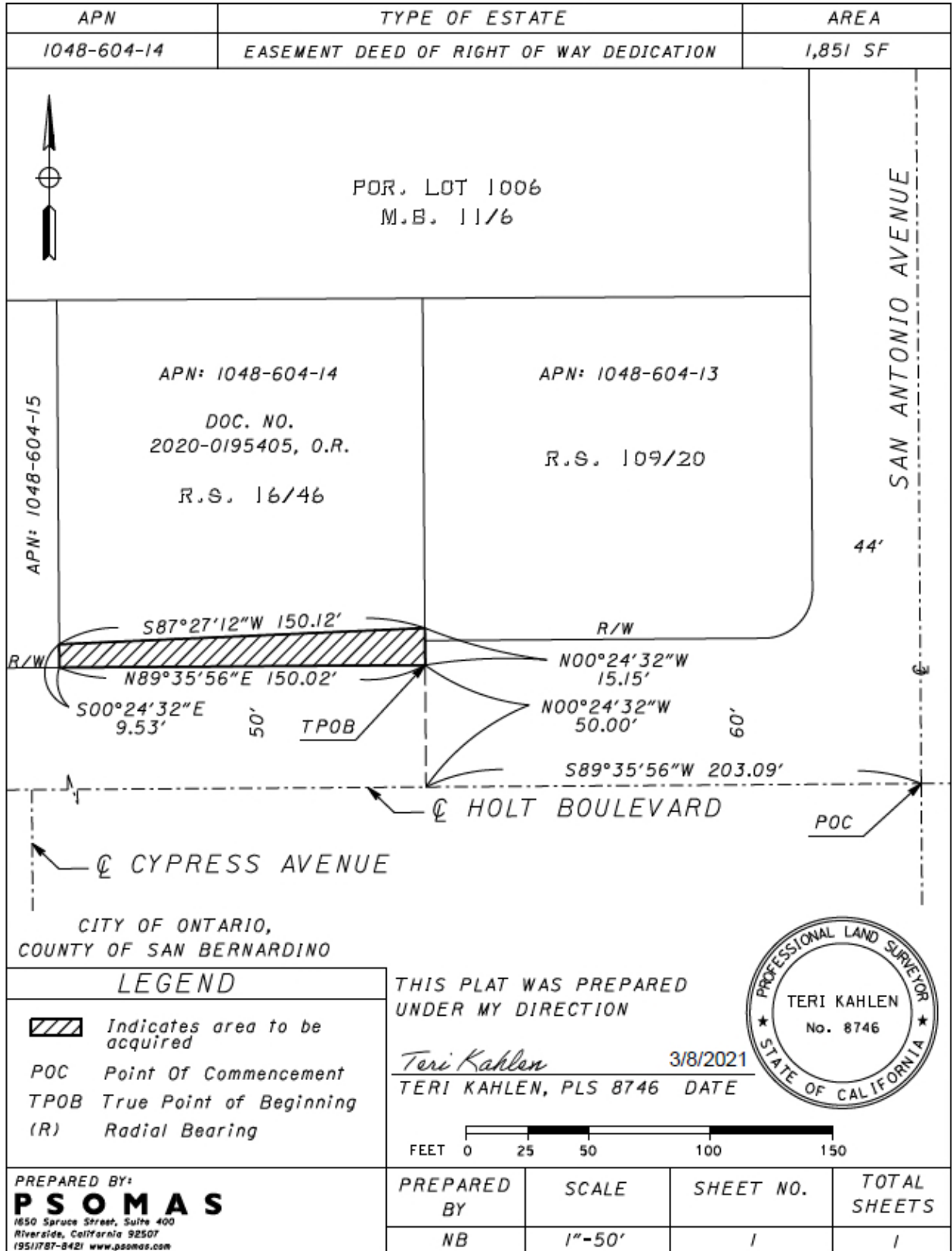
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/8/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-604-14 RE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85008)		1845651.382	6664248.012	0.000
	N 0°24'32" W	15.15			
POT (	85002)		1845666.531	6664247.904	0.000
	S 87°27'12" W	150.12			
POT (	85009)		1845659.861	6664097.928	0.000
	S 0°24'32" E	9.53			
POT (	85010)		1845650.332	6664097.996	0.000
	N 89°35'56" E	150.02			
POT (	85008)		1845651.382	6664248.012	0.000

Northing Error: -0.000 ft
 Easting Error: 0.004 ft
 Closing Direction: N 87°26'45" W
 Closing Distance: 0.004 ft
 Closed Area: 1851.1 sq ft (0.0 ac)
 Perimeter: 324.822 ft
 Precision: 72410.963

EXHIBIT “2”

Legal Description of Temporary Construction Easement

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1048-604-14

That portion of Lot 1006, According to Map of Ontario, in the City of Ontario, County of San Bernardino, State of California per map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described by Grant Deed recorded June 12, 2020 as Document No. 2020-0195405 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of San Antonio Drive and Holt Boulevard, as shown on the Record of Survey filed in Book 16, Page 46 of Records of Survey in the office of the said County Recorder;

thence along the centerline of said Holt Boulevard South 89°35'56" West 203.09 feet;

thence leaving said centerline and along the easterly line of the land described in said Grant Deed and its southerly prolongation, North 00°24'32" West 65.15 feet to the **True Point of Beginning**;

thence leaving said easterly line South 87°27'12" West 150.12 feet to the westerly line of the land described in said Grant Deed;

thence along said westerly line North 00°24'32" West 8.01 feet;

thence leaving said westerly line North 87°27'12" East 9.91 feet;

thence North 02°32'48" West 14.00 feet;

thence North 87°27'12" East 87.31 feet;

thence North 02°32'48" West 3.00 feet;

thence North 87°27'12" East 42.00 feet;

thence South 02°32'48" East 12.00 feet;

thence North 87°27'12" East 11.09 feet to said easterly line;

thence along said easterly line South 00°24'32" East 13.01 feet to the **True Point of Beginning**;

Containing 3,192 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

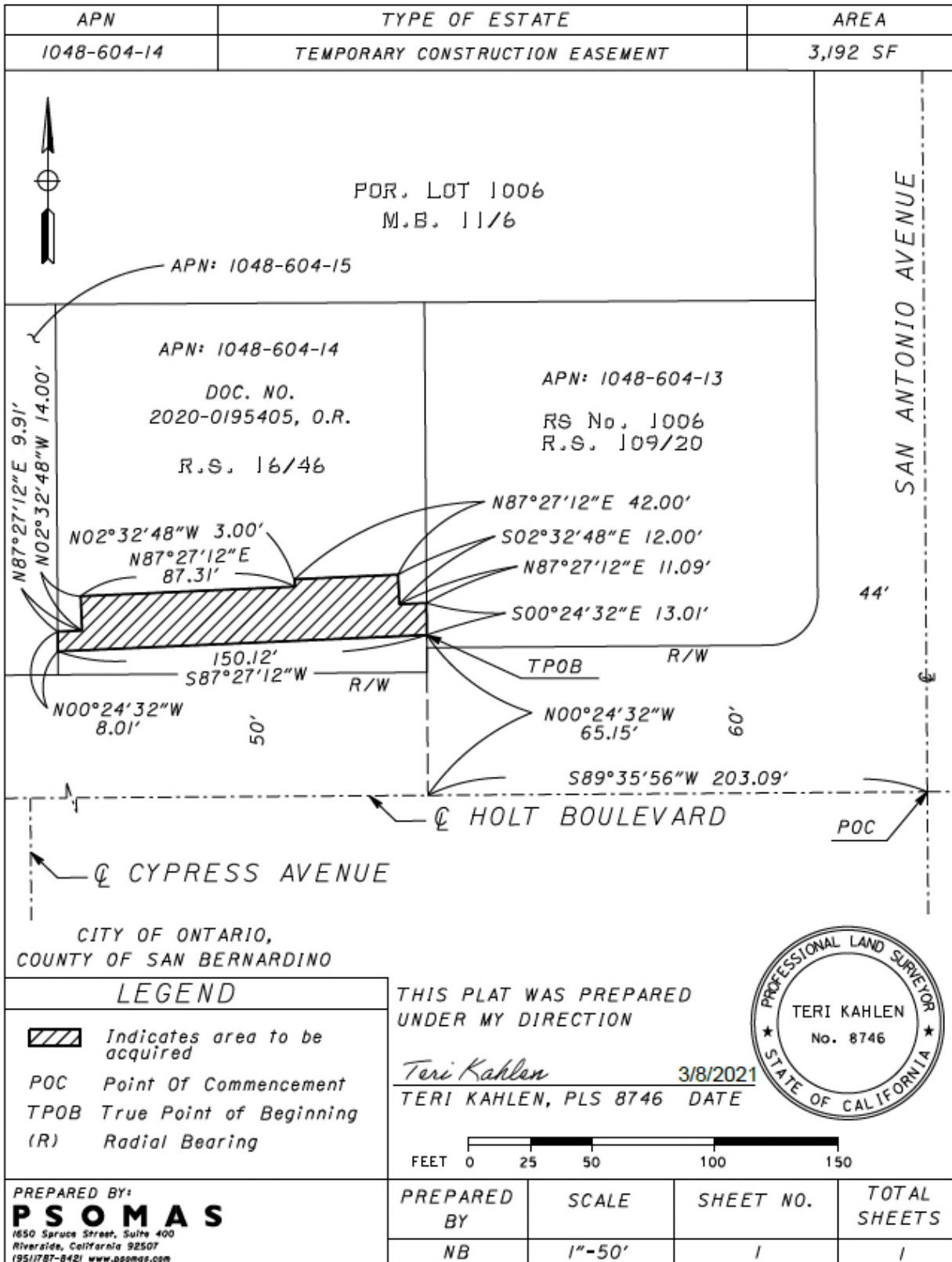
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/8/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-604-14 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85002)		1845666.531	6664247.904	0.000
	S 87°27'12" W	150.12			
POT (	85009)		1845659.861	6664097.928	0.000
	N 0°24'32" W	8.01			
POT (	85011)		1845667.866	6664097.871	0.000
	N 87°27'12" E	9.91			
POT (	85012)		1845668.307	6664107.775	0.000
	N 2°32'48" W	14.00			
POT (	85013)		1845682.293	6664107.153	0.000
	N 87°27'12" E	87.31			
POT (	85014)		1845686.172	6664194.372	0.000
	N 2°32'48" W	3.00			
POT (	85015)		1845689.169	6664194.239	0.000
	N 87°27'12" E	42.00			
POT (	85016)		1845691.035	6664236.198	0.000
	S 2°32'48" E	12.00			
POT (	85017)		1845679.047	6664236.731	0.000
	N 87°27'12" E	11.09			
POT (	85018)		1845679.540	6664247.812	0.000
	S 0°24'32" E	13.01			
POT (	85002)		1845666.531	6664247.904	0.000

Northing Error: 0.004 ft
 Easting Error: 0.003 ft
 Closing Direction: S 42°30'41" W
 Closing Distance: 0.005 ft
 Closed Area: 3192.3 sq ft (0.1 ac)
 Perimeter: 350.450 ft
 Precision: 71137.940

RESOLUTION OF NECESSITY No. 22-018

**AJ1 DEVELOPMENT, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY PROPERTY
(APN 1048-604-15)**

RESOLUTION NO. 22-018

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1048-604-15

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 740 West Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,212 square foot permanent easement legally described and depicted in Exhibit “1” hereto and an approximate 3,181 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" and Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication

APN: 1048-604-15

That portion of Lot 1006, Ontario County Lands, in the City of Ontario, County of San Bernardino, State of California per map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in a Grant Deed recorded August 23, 2018 as Document No. 2018-0309919 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of San Antonio Drive and Holt Boulevard, as shown on the Record of Survey filed in Book 16, Page 46 of Records of Survey in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard South 89°35'56" West 353.11 feet;

thence leaving said centerline North 00°24'32" West 50.00 feet to the southeasterly corner of the land described in said Grant Deed, also being the **True Point of Beginning**;

thence along the southerly line of said land South 89°35'56" West 254.34 feet;

thence leaving said southerly line North 87°27'12" East 254.52 feet to the easterly line of said land;

thence along said easterly line South 00°24'32" East 9.53 feet to the **True Point of Beginning**;

Containing 1,212 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/8/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-604-15	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,212 SF

LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED UNDER MY DIRECTION

Teri Kahlen 3/8/2021
TERI KAHLEN, PLS 8746 DATE

PROFESSIONAL LAND SURVEYOR
TERI KAHLEN
No. 8746
STATE OF CALIFORNIA

PREPARED BY: **PSOMAS**
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Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
NB	1"=80'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1048-604-15 RE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85010)		1845650.332	6664097.996	0.000
	S 89°35'56" W	254.34			
POT (	85020)		1845648.552	6663843.660	0.000
	N 87°27'12" E	254.52			
POT (	85009)		1845659.861	6664097.928	0.000
	S 0°24'32" E	9.53			
POT (	85010)		1845650.332	6664097.996	0.000

Northing Error: -0.001 ft
 Easting Error: 0.003 ft
 Closing Direction: N 67°23'41" W
 Closing Distance: 0.003 ft
 Closed Area: 1211.8 sq ft (0.0 ac)
 Perimeter: 518.391 ft
 Precision: 166805.073

EXHIBIT “2”

Legal Description of Temporary Construction Easement

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1048-604-15

That portion of Lot 1006, Ontario County Lands, in the City of Ontario, County of San Bernardino, State of California per map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in a Grant Deed recorded August 23, 2018 as Document No. 2018-0309919 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of San Antonio Drive and Holt Boulevard, as shown on the Record of Survey filed in Book 16, Page 46 of Records of Survey in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard South $89^{\circ}35'56''$ West 353.11 feet;

thence leaving said centerline and along the easterly line of the land described in said Grant Deed and its southerly prolongation, North $00^{\circ}24'32''$ West 59.53 feet to the **True Point of Beginning**;

thence continuing along said easterly line North $00^{\circ}24'32''$ West 8.01 feet;

thence leaving said easterly line South $87^{\circ}27'12''$ West 120.64 feet;

thence North $02^{\circ}32'48''$ West 4.00 feet;

thence South $87^{\circ}27'12''$ West 60.00 feet;

thence South $02^{\circ}32'48''$ East 4.00 feet;

thence South $87^{\circ}27'12''$ West 76.47 feet;

thence South $89^{\circ}36'04''$ West 99.85 feet;

thence North $00^{\circ}23'56''$ West 3.00 feet;

thence South 89°36'04" West 8.65 feet to the easterly line of the 10.00 foot wide Alley granted to the City of Ontario recorded December 12, 1961 in Book 5808, Page 410 of said Official Records;

thence South 00°24'52" East 10.91 feet along said easterly line to the southerly line of the land described in said Grant Deed;

thence along said southerly line North 89°35'56" East 111.09 feet;

thence leaving said southerly line North 87°27'12" East 254.52 feet to the **True Point of Beginning**;

Containing 3,181 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

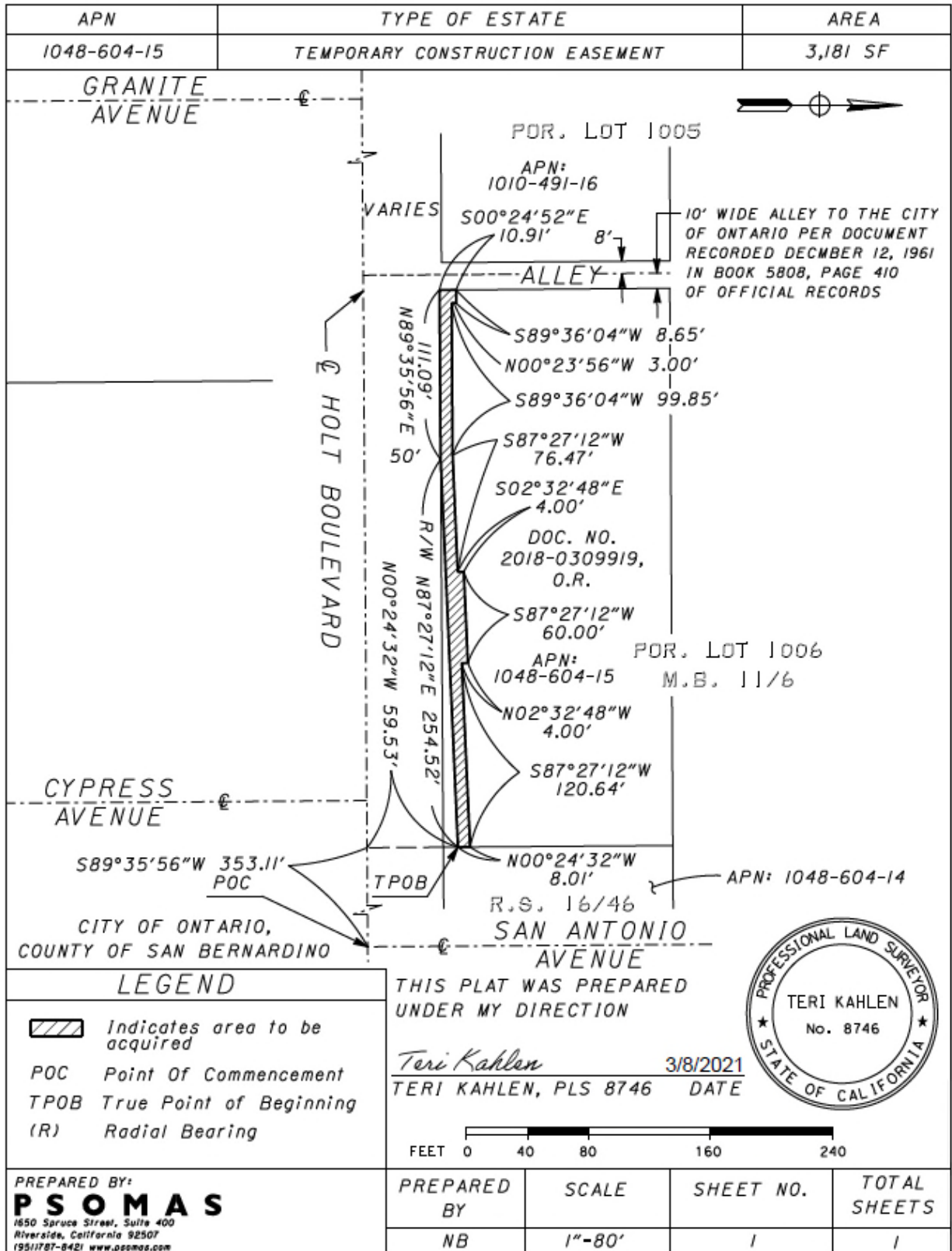
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/8/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-604-15 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85009) N 0°24'32" W	8.01	1845659.861	6664097.928	0.000
POT (	85011) S 87°27'12" W	120.64	1845667.866	6664097.871	0.000
POT (	85021) N 2°32'48" W	4.00	1845662.506	6663977.353	0.000
POT (	85022) S 87°27'12" W	60.00	1845666.502	6663977.175	0.000
POT (	85023) S 2°32'48" E	4.00	1845663.836	6663917.234	0.000
POT (	85024) S 87°27'12" W	76.47	1845659.840	6663917.412	0.000
POT (	85025) S 89°36'04" W	99.85	1845656.442	6663841.013	0.000
POT (	85026) N 0°23'56" W	3.00	1845655.747	6663741.161	0.000
POT (	85027) S 89°36'04" W	8.65	1845658.747	6663741.140	0.000
POT (	85028) S 0°24'52" E	10.91	1845658.687	6663732.495	0.000
POT (	85029) N 89°35'56" E	111.09	1845647.774	6663732.574	0.000
POT (	85020) N 87°27'12" E	254.52	1845648.552	6663843.660	0.000
POT (	85009)		1845659.861	6664097.928	0.000

Northing Error: 0.007 ft
 Easting Error: 0.003 ft
 Closing Direction: S 24°38'19" W
 Closing Distance: 0.008 ft
 Closed Area: 3181.0 sq ft (0.1 ac)
 Perimeter: 761.139 ft
 Precision: 95205.676

RESOLUTION OF NECESSITY No. 22-019

**ANNETTE MARIE DURRITZAGUE, TRUSTEE
OF TRUST A CREATED UNDER THE
DURRITZAGUE 2003 REVOCABLE TRUST
AGREEMENT DATED JUNE 18, 2003, AS TO
AN UNDIVIDED FIFTY PERCENT (50%)
INTEREST; ANNETTE MARIE DURRITZAGUE,
TRUSTEE OF TRUST B CREATED UNDER THE
DURRITZAGUE 2003 REVOCABLE TRUST
AGREEMENT DATED JUNE 18, 2003, AS TO
AN UNDIVIDED FORTY-TWO PERCENT
(42%) INTEREST; AND ANNETTE MARIE
DURRITZAGUE, TRUSTEE OF TRUST C
CREATED UNDER THE DURRITZAGUE 2003
REVOCABLE TRUST AGREEMENT DATED
JUNE 18, 2003, AS TO AN UNDIVIDED
EIGHT PERCENT (8%) INTEREST PROPERTY
(APN 1049-011-02)**

RESOLUTION NO. 22-019

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-011-02

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 761 West Holt Boulevard in the City of Ontario California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 167 square foot permanent easement legally described and depicted in Exhibit “1” hereto and an approximate 1,100 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" and Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication

APN: 1049-011-02

The Southerly 2.43 feet of the Northerly 12.43 feet of Lot 4, Graves Knoles and Blood's Subdivision, in the City of Ontario, County of San Bernardino, State of California, per map filed in Book 15, Page 16 of Maps in the office of the County Recorder of said County.

Containing 167 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

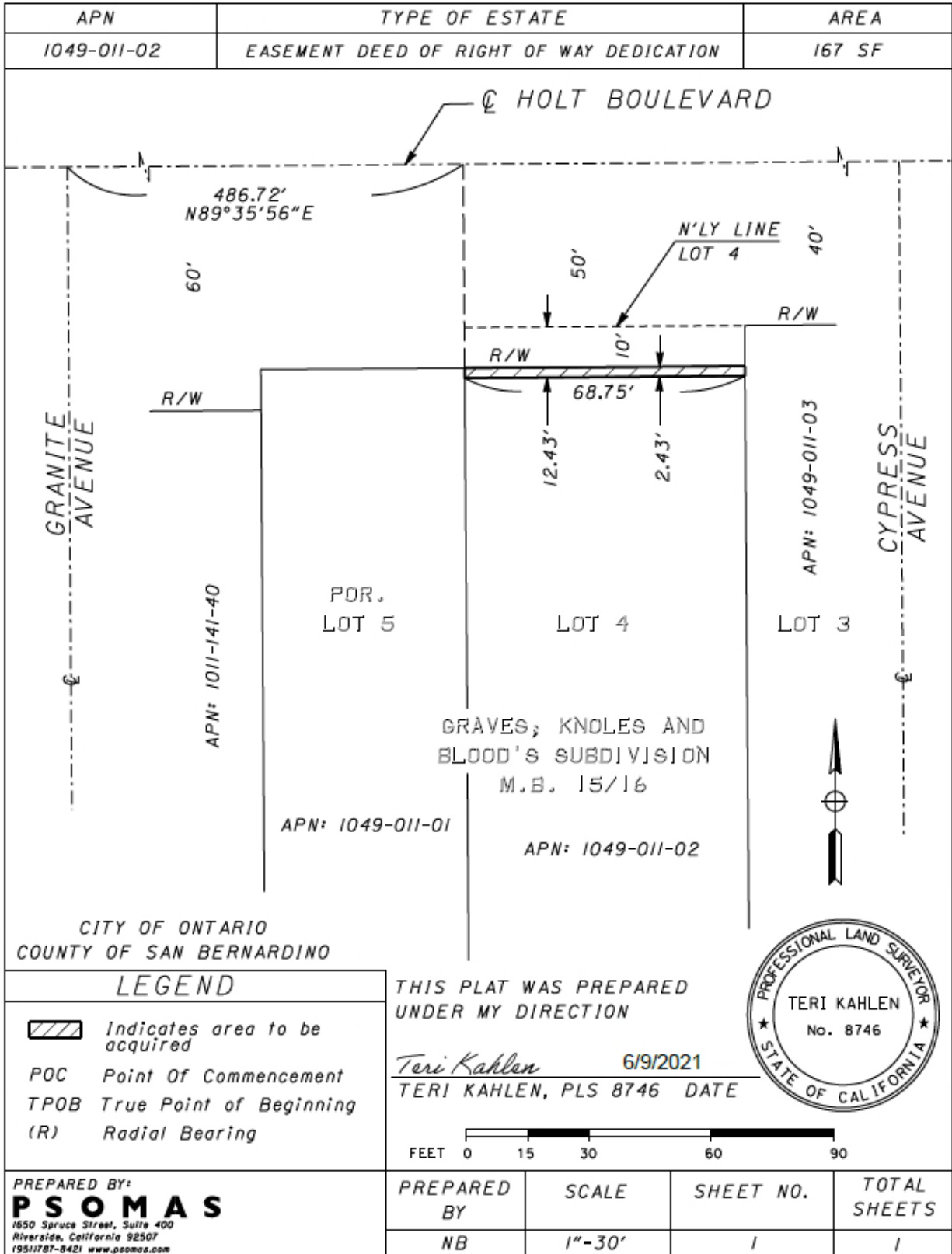
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/9/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-011-02 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85444)		1845548.189	6663792.083	0.000
	S 0°24'33" E	2.43			
POT (	85445)		1845545.759	6663792.100	0.000
	N 89°35'56" E	68.75			
POT (	85221)		1845546.240	6663860.848	0.000
	N 0°24'33" W	2.43			
POT (	85448)		1845548.670	6663860.831	0.000
	S 89°35'56" W	68.75			
POT (	85444)		1845548.189	6663792.083	0.000

Northing Error: 0.000 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°00'00" E
 Closing Distance: 0.000 ft
 Closed Area: 167.0 sq ft (0.0 ac)
 Perimeter: 142.360 ft
 Precision: 1e.+41

EXHIBIT “2”

Legal Description of Temporary Construction Easement

EXHIBIT 'A'

Legal Description Temporary Construction Easement

APN: 1049-011-02

That portion of Lot 4, Graves Knoles and Blood's Subdivision, in the City of Ontario, County of San Bernardino, State of California, per map filed in Book 15, Page 16 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Granite Avenue and Holt Boulevard, as shown on Parcel Map No. 15853 per map filed in Book 203, Pages 76 and 77 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°35'56" East 486.72 feet to the northerly prolongation of the westerly line of said Lot 4;

thence leaving said centerline along said northerly prolongation and said westerly line South 00°24'33" East 52.43 feet to the **True Point of Beginning**;

thence leaving said westerly line North 89°35'56" East 68.75 feet to the easterly line of said Lot 4;

thence along said easterly line South 00°24'33" East 16.00 feet;

thence leaving said easterly line South 89°36'04" West 68.75 feet to said westerly line;

thence along said westerly line North 00°24'33" West 15.99 feet to the **True Point of Beginning**;

Containing 1,100 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

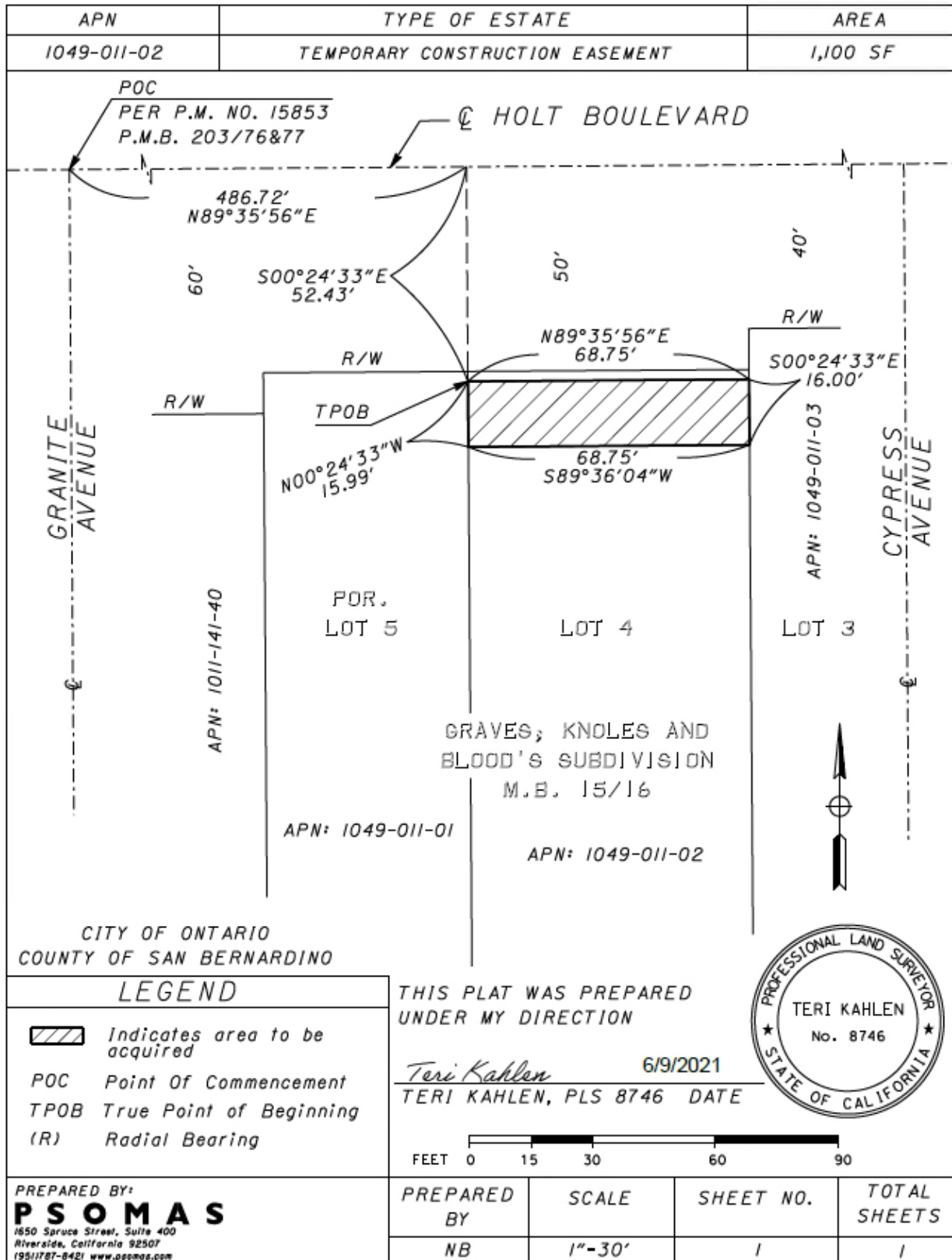
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/9/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-011-02 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85445)		1845545.759	6663792.100	0.000
	N 89°35'56" E	68.75			
POT (	85221)		1845546.240	6663860.848	0.000
	S 0°24'33" E	16.00			
POT (	85451)		1845530.245	6663860.962	0.000
	S 89°36'04" W	68.75			
POT (	85450)		1845529.766	6663792.214	0.000
	N 0°24'33" W	15.99			
POT (	85445)		1845545.759	6663792.100	0.000

Northing Error: -0.007 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°24'45" W
 Closing Distance: 0.007 ft
 Closed Area: 1099.6 sq ft (0.0 ac)
 Perimeter: 169.489 ft
 Precision: 23111.669

RESOLUTION OF NECESSITY No. 22-020

**CHI HONG CHIANG AND HUI-CHUAN
WANG, AS TRUSTEES OF THE CHIANG
FAMILY TRUST, DATED JULY 8, 2010
PROPERTY**

(APNS 1049-021-03 & 1049-021-04)

RESOLUTION NO. 22-020

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 1049-021-03 & 1049-021-04

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the West Valley Connector Project (the "Project"); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 625 and 627 West Holt Boulevard in the City of Ontario, California (the "Property") are required for the Project. The specific portions of the Property required for the Project are a total approximate 75 square foot permanent easement consisting of an approximate 14 square foot permanent easement on APN 1049-021-03 legally described and depicted in Exhibit "1" hereto and an approximate 61 square foot permanent easement on APN 1049-021-04 legally described and depicted on Exhibit "2" hereto, and a total approximate 933 square foot temporary construction easement with a term of twenty-four months consisting of an approximate 312 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit "3" hereto and an approximate 621 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit "4" hereto (collectively the "Subject Property Interests"); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-

income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "4" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

(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 least private injury;

(c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping

to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Legal Description of Permanent Easement on APN 049-021-03

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication

APN: 1049-021-03

That portion of the north half of Lot 1 of Block 1040, According to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 9, Page 43 of Maps, in the office of the County Recorder of said County, described as Parcel 2 in a Trust Transfer Deed recorded August 24, 2010 as Document No. 2010-0345562 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of San Antonio Avenue and Holt Boulevard, as shown on Parcel Map No. 2794, as per map filed in Book 24, Page 73 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'36''$ East 372.99 feet to the northerly prolongation of the westerly line of said Parcel 2;

thence leaving said centerline along said prolongation South $00^{\circ}24'16''$ East 40.00 feet to the northwesterly corner of said Parcel 2, also being the **True Point of Beginning**;

thence along the westerly line of said Parcel 2 South $00^{\circ}24'16''$ East 1.01 feet;

thence leaving said westerly line North $87^{\circ}27'12''$ East 26.93 feet to the northerly line of said Parcel 2;

thence along said northerly line South $89^{\circ}35'36''$ West 26.91 feet to the **True Point of Beginning**.

Containing 14 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 4/1/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-021-03	EASEMENT DEED OF RIGHT OF WAY DEDICATION	14 SF

SAN ANTONIO AVENUE
 BONITA COURT
 HOLT BOULEVARD
 SEE DETAIL "A" BELOW
 DETAIL "A" NOT TO SCALE
 PARCEL MAP NO. 2794 P.M.B. 24/73
 LOT 2
 LOT 1
 BLOCK 1040
 MAP OF ONTARIO M.B. 9/43
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO

APN: 1049-021-28
 APN: 1049-021-03
 APN: 1049-021-04
 APN: 1049-021-05

DOC. NO. 2010-0345562, O.R.

THIS PLAT WAS PREPARED UNDER MY DIRECTION
Teri Kahlen 4/1/2021
 TERI KAHLEN, PLS 8746 DATE

PROFESSIONAL LAND SURVEYOR
 TERI KAHLEN
 No. 8746
 STATE OF CALIFORNIA

FEET 0 25 50 100 150

PREPARED BY:	PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 19511787-8421 www.psomas.com	NB	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1049-021-03 RE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85143)		1845565.453	6664824.720	0.000
	S 0°24'16" E	1.01			
POT (	85144)		1845564.447	6664824.727	0.000
	N 87°27'12" E	26.93			
POT (	85145)		1845565.643	6664851.632	0.000
	S 89°35'36" W	26.91			
POT (	85143)		1845565.453	6664824.720	0.000

Northing Error: -0.004 ft
 Easting Error: 0.001 ft
 Closing Direction: N 15°24'58" W
 Closing Distance: 0.005 ft
 Closed Area: 13.5 sq ft (0.0 ac)
 Perimeter: 54.849 ft
 Precision: 12048.530

EXHIBIT “2”

Legal Description of Permanent Easement on APN 1049-021-04

EXHIBIT 'A'

Legal Description Easement Deed of Right of Way Dedication

APN: 1049-021-04

That portion of the north half of Lot 1 of Block 1040, According to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 9, Page 43 of Maps, in the office of the County Recorder of said County, described as Parcel 1 in a Trust Transfer Deed recorded August 24, 2010 as Document No. 2010-0345562 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of San Antonio Avenue and Holt Boulevard, as shown on Parcel Map No. 2794, as per map filed in Book 24, Page 73 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'36''$ East 533.62 feet;

thence leaving said centerline South $00^{\circ}23'58''$ East 40.00 feet to the northeasterly corner of said Parcel 1;

thence along the northerly line of said Parcel 1 South $89^{\circ}35'36''$ West 4.28 feet to the **True Point of Beginning**;

thence leaving said northerly line South $87^{\circ}27'12''$ West 57.08 feet to the beginning of a non-tangent curve concave westerly and having a radius of 4.83 feet, a radial line to said curve bears North $87^{\circ}27'27''$ East;

thence northerly 2.23 feet along said curve through a central angle of $26^{\circ}26'24''$ to said northerly line;

thence along said northerly line North $89^{\circ}35'36''$ East 57.63 feet to the **True Point of Beginning**.

Containing 61 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

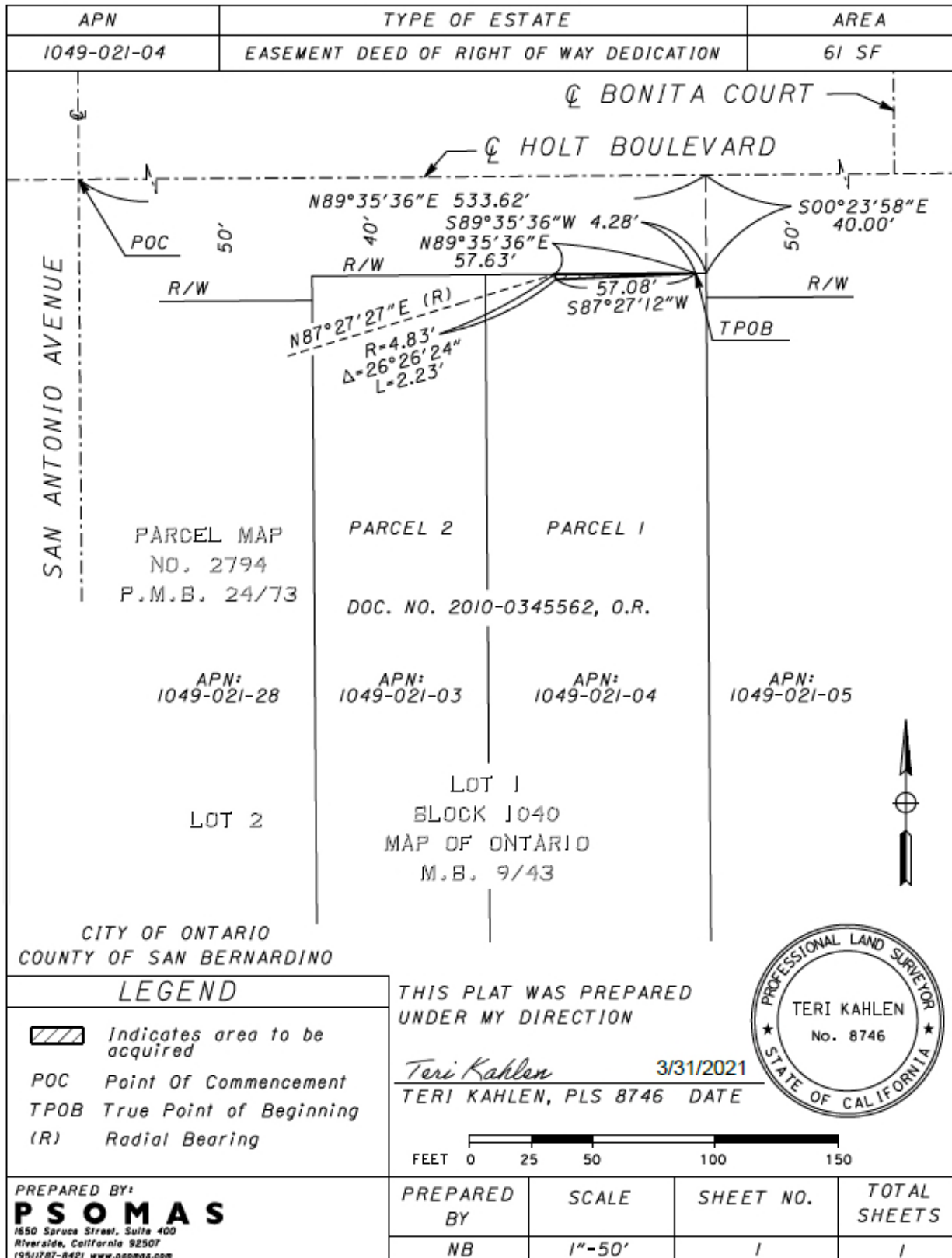
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/31/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-021-04 RE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85165)		1845566.562	6664981.062	0.000
	S 87°27'12" W	57.08			
TC (	85154)		1845564.026	6664924.036	0.000
	Radius:	4.83			
	Delta:	26°26'24"			
	Length:	2.23			
	Chord:	2.21			
	Tangent:	1.14			
	Middle Ordinate:	0.13			
	External:	0.13			
	N 87°27'27" E (Radial)				
CC (	85155)		1845563.811	6664919.207	0.000
	N 15°45'45" W (Chord)				
	N 61°01'03" E (Radial)				
CT (	85166)		1845566.153	6664923.435	0.000
	N 89°35'36" E	57.63			
POT (	85165)		1845566.562	6664981.062	0.000

Northing Error: -0.000 ft
 Easting Error: 0.005 ft
 Closing Direction: N 86°07'30" W
 Closing Distance: 0.005 ft
 Closed Area: 61.2 sq ft (0.0 ac)
 Perimeter: 116.942 ft
 Precision: 25496.184

EXHIBIT “3”

Legal Description of Temporary Construction Easement on APN 1049-021-03

EXHIBIT 'A' Legal Description Temporary Construction Easement

APN: 1049-021-03

That portion of the north half of Lot 1 of Block 1040, According to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 9, Page 43 of Maps, in the office of the County Recorder of said County, described as Parcel 2 in a Trust Transfer Deed recorded August 24, 2010 as Document No. 2010-0345562 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of San Antonio Avenue and Holt Boulevard, as shown on Parcel Map No. 2794, as per map filed in Book 24, Page 73 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°35'36" East 372.99 feet to the northerly prolongation of the westerly line of said Parcel 2;

thence leaving said centerline along said prolongation and said westerly line South 00°24'16" East 41.01 feet to the **True Point of Beginning**;

thence leaving said westerly line North 87°27'12" East 26.93 feet to the northerly line of said Parcel 2;

thence along said northerly line North 89°35'36" East 21.26 feet;

thence leaving said northerly line South 01°04'50" East 14.21 feet;

thence South 88°57'01" West 8.01 feet;

thence North 01°02'59" West 9.79 feet;

thence South 87°27'12" West 40.25 feet to said westerly line;

thence along said westerly line North 00°24'16" West 5.00 feet to the **True Point of Beginning**.

Containing 312 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

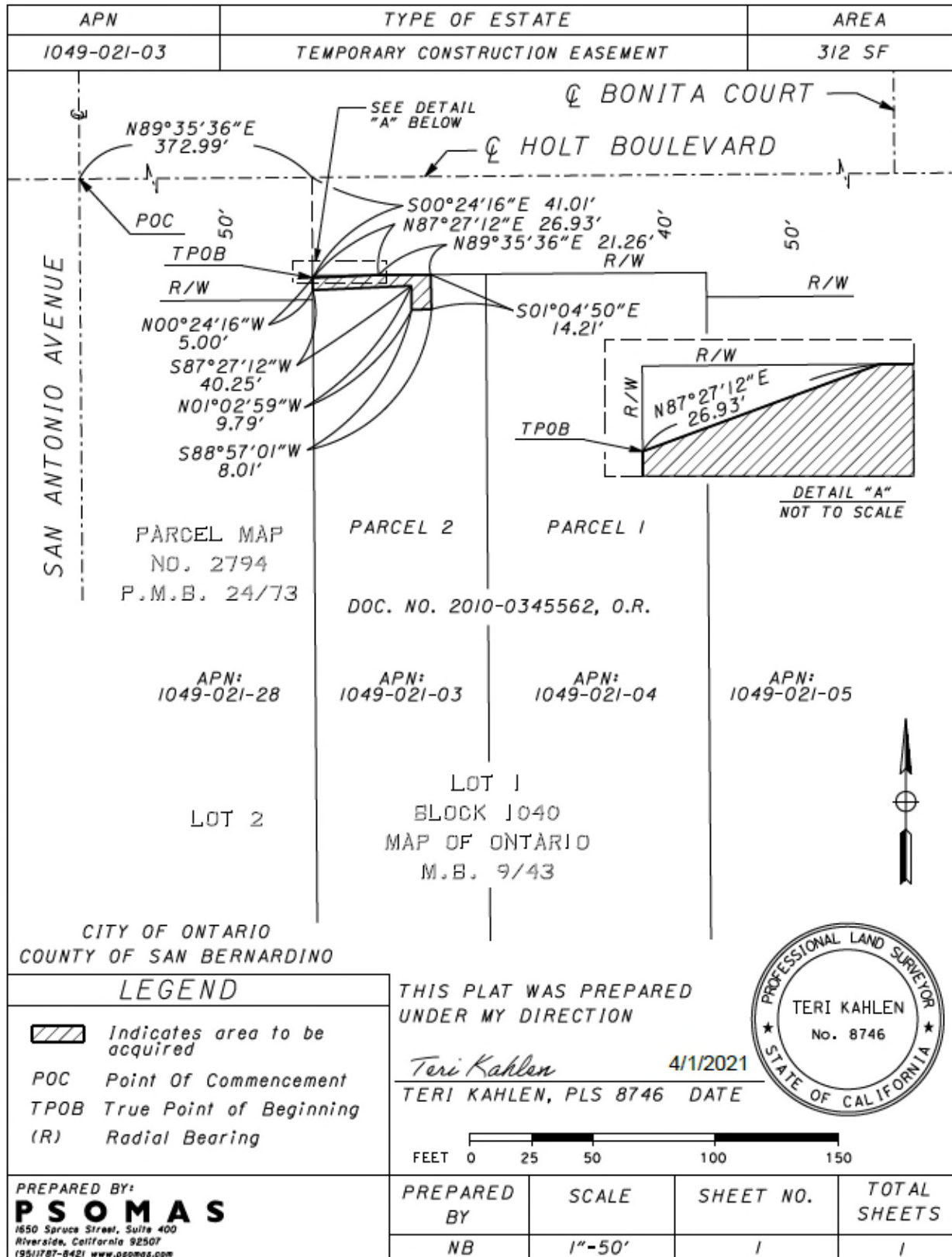
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 4/1/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-021-03 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85144)		1845564.447	6664824.727	0.000
	N 87°27'12" E	26.93			
POT (	85145)		1845565.643	6664851.632	0.000
	N 89°35'36" E	21.26			
POT (	85146)		1845565.794	6664872.892	0.000
	S 1°04'50" E	14.21			
POT (	85147)		1845551.591	6664873.160	0.000
	S 88°57'01" W	8.01			
POT (	85148)		1845551.444	6664865.153	0.000
	N 1°02'59" W	9.79			
POT (	85149)		1845561.232	6664864.974	0.000
	S 87°27'12" W	40.25			
POT (	85150)		1845559.444	6664824.762	0.000
	N 0°24'16" W	5.00			
POT (	85144)		1845564.447	6664824.727	0.000

Northing Error: -0.007 ft
 Easting Error: -0.003 ft
 Closing Direction: N 21°19'58" E
 Closing Distance: 0.007 ft
 Closed Area: 311.9 sq ft (0.0 ac)
 Perimeter: 125.450 ft
 Precision: 16842.841

EXHIBIT “4”

Legal Description of Temporary Construction Easement on APN 1049-021-04

EXHIBIT 'A' **Legal Description** **Temporary Construction Easement**

APN: 1049-021-04

That portion of the north half of Lot 1 of Block 1040, According to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 9, Page 43 of Maps, in the office of the County Recorder of said County, described as Parcel 1 in a Trust Transfer Deed recorded August 24, 2010 as Document No. 2010-0345562 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of San Antonio Avenue and Holt Boulevard, as shown on Parcel Map No. 2794, as per map filed in Book 24, Page 73 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'36''$ East 533.62 feet;

thence leaving said centerline South $00^{\circ}23'58''$ East 40.00 feet to the northeasterly corner of said Parcel 1, also being the **True Point of Beginning**;

thence along the northerly line of said Parcel 1 South $89^{\circ}35'36''$ West 4.28 feet;

thence leaving said northerly line South $87^{\circ}27'12''$ West 57.08 feet to the beginning of a non-tangent curve concave westerly and having a radius of 4.83 feet, a radial line to said curve bears North $87^{\circ}27'27''$ East;

thence northerly 2.23 feet along said curve through a central angle of $26^{\circ}26'24''$ to said northerly line;

thence along said northerly line South $89^{\circ}35'36''$ West 3.91 feet;

thence leaving said northerly line South $01^{\circ}03'10''$ East 13.30 feet;

thence North $87^{\circ}27'12''$ East 40.61 feet;

thence North $00^{\circ}23'02''$ West 2.01 feet;

thence North $89^{\circ}19'06''$ East 7.24 feet;

thence North 02°32'48" West 3.72 feet;

thence North 87°27'14" East 17.99 feet to said easterly line;

thence along said easterly line North 00°23'58" West 5.34 feet to the **True Point of Beginning**.

Containing 621 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

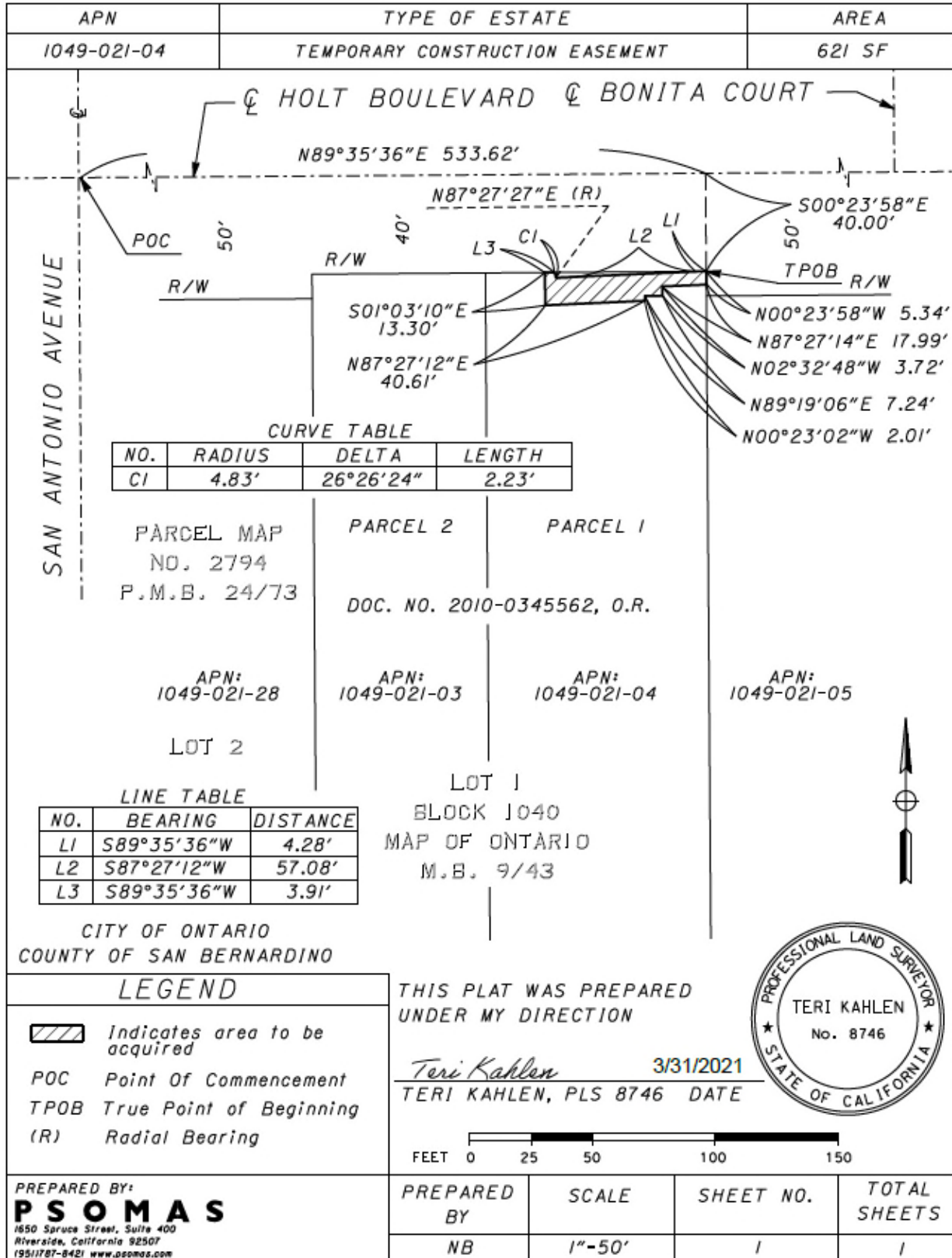
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/31/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-021-04 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85152)		1845566.592	6664985.339	0.000
	S 89°35'36" W	4.28			
POT (	85165)		1845566.562	6664981.062	0.000
	S 87°27'12" W	57.08			
TC (	85154)		1845564.026	6664924.036	0.000
	Radius:	4.83			
	Delta:	26°26'24"			
	Length:	2.23			
	Chord:	2.21			
	Tangent:	1.14			
	Middle Ordinate:	0.13			
	External:	0.13			
	N 87°27'27" E (Radial)				
CC (	85155)		1845563.811	6664919.207	0.000
	N 15°45'45" W (Chord)				
	N 61°01'03" E (Radial)				
CT (	85166)		1845566.153	6664923.435	0.000
	S 89°35'36" W	3.91			
POT (	85157)		1845566.125	6664919.522	0.000
	S 1°03'10" E	13.30			
POT (	85158)		1845552.825	6664919.766	0.000
	N 87°27'12" E	40.61			
POT (	85159)		1845554.629	6664960.339	0.000
	N 0°23'02" W	2.01			
POT (	85160)		1845556.644	6664960.326	0.000
	N 89°19'06" E	7.24			
POT (	85161)		1845556.730	6664967.569	0.000
	N 2°32'48" W	3.72			
POT (	85162)		1845560.449	6664967.404	0.000
	N 87°27'14" E	17.99			
POT (	85163)		1845561.249	6664985.377	0.000
	N 0°23'58" W	5.34			
POT (	85152)		1845566.592	6664985.339	0.000

Northing Error: -0.009 ft
 Easting Error: -0.004 ft
 Closing Direction: N 21°58'00" E
 Closing Distance: 0.010 ft
 Closed Area: 620.5 sq ft (0.0 ac)
 Perimeter: 157.736 ft
 Precision: 15658.521

RESOLUTION OF NECESSITY No. 22-022

**SALVADOR & MARIA C. AYALA,
TRUSTEES
PROPERTY**

(APN 1048-512-17)

RESOLUTION NO. 22-022

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1048-512-17

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 745 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 542 square foot permanent easement, legally described and depicted in Exhibit “1” hereto; and an approximate 996 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 1048-512-17

That portion of Lot 1011 of the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in the Quitclaim Deed recorded June 2, 2008 as Document No. 2008-0249838 of Official Records in the office of the County Recorder of said County, lying southerly of the following described line:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, as shown on Parcel Map 2364 filed in Book 20, Page 86 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 282.98 feet to the southerly prolongation of the westerly line of Parcel 1 of said Parcel Map 2364;

thence along said southerly prolongation North $00^{\circ}15'53''$ West 50.00 feet to the southwesterly corner of said Parcel 1;

thence along said westerly line North $00^{\circ}15'53''$ West 2.53 feet to the **True Point of Beginning** and the beginning of a non-tangent curve, concave northeasterly having a radius of 4.83 feet, a radial line to said curve bears South $65^{\circ}03'37''$ West;

thence leaving said westerly line southeasterly 3.82 feet along said curve through a central angle of $45^{\circ}14'59''$ to a point of non-tangency with the southerly line of said Parcel 1;

thence along said southerly line North $89^{\circ}33'59''$ East 47.92 feet to the beginning of a non-tangent curve, concave northwesterly having a radius of 4.83 feet, a radial line to said curve bears South $40^{\circ}36'49''$ East;

thence leaving said southerly line northeasterly 4.02 feet along said curve through a central angle of $47^{\circ}38'16''$;

thence South $88^{\circ}15'05''$ East 354.79 feet to the southerly line of said Lot 1011 and the **Point of Termination.**

Parcel contains 542 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/9/2021



EXHIBIT B

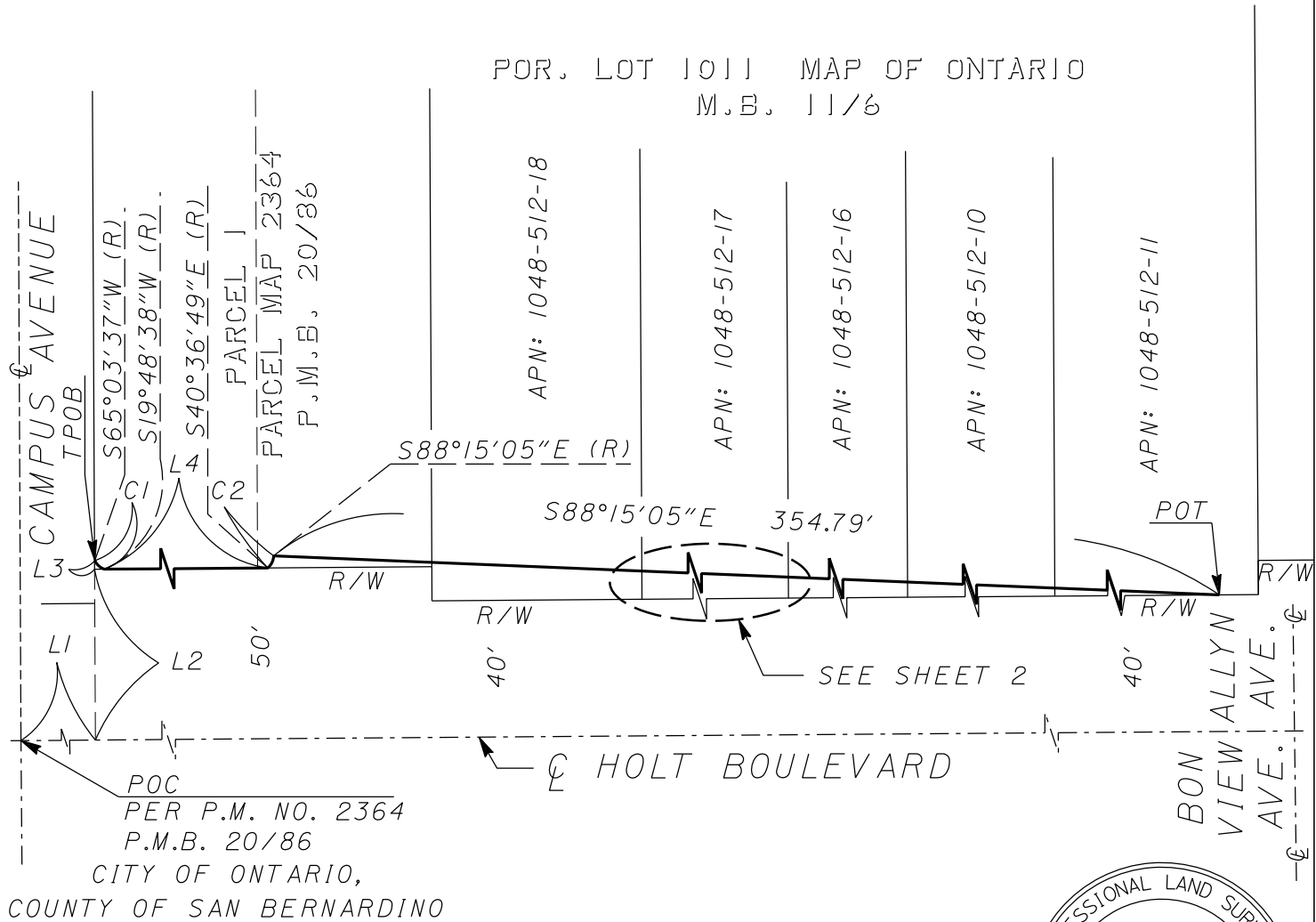
APN	TYPE OF ESTATE	AREA
1048-512-17	EASEMENT DEED OF RIGHT OF WAY DEDICATION	542 SF

LINE TABLE

NO.	BEARING	DISTANCE
L1	N89°33'59"E	282.98'
L2	N00°15'53"W	50.00'
L3	N00°15'53"W	2.53'
L4	N89°33'59"E	47.92'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
C1	45°14'59"	4.83'	3.82'
C2	47°38'16"	4.83'	4.02'



LEGEND



Indicates area to be acquired

POC Point Of Commencement
TPOB True Point of Beginning
POT Point of Termination
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 6/9/2021

TERI KAHLEN, PLS 8746 DATE

NOT TO SCALE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

N.T.S.

SHEET NO.

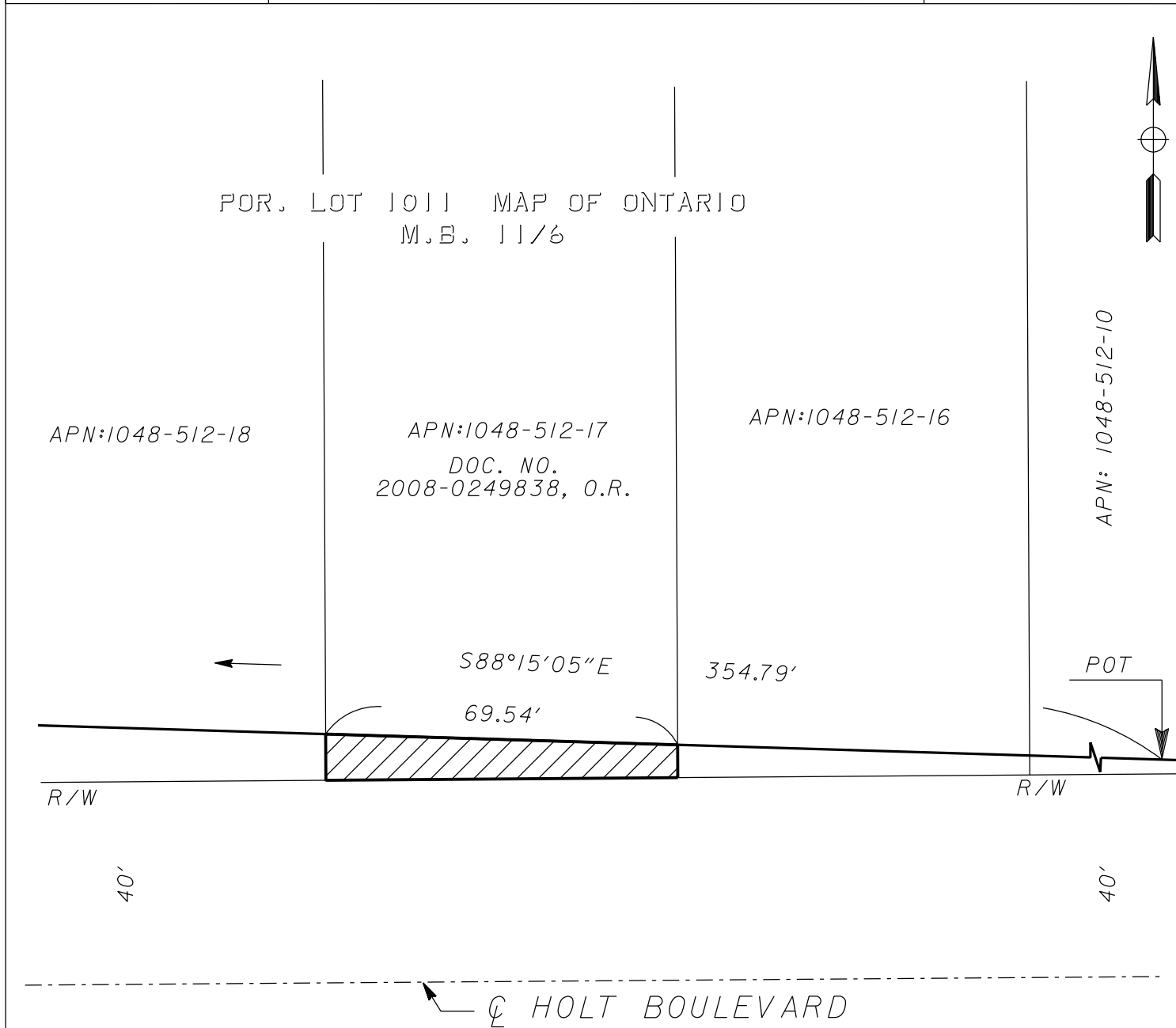
1

TOTAL
SHEETS

2

EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-512-17	EASEMENT DEED OF RIGHT OF WAY DEDICATION	542 SF



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND

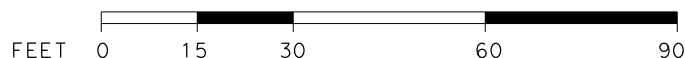


Indicates area to be
acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

1"=30'

SHEET NO.

2

TOTAL
SHEETS

2

Map Check Report

Project: WVC - OC
 Alignment: 1048-512-17 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65342)		1845685.94	6670808.95	0.00
	N 0°15'53" W	6.48			
PI (	65343)		1845692.42	6670808.92	0.00
	N 88°15'05" W	69.54			
PI (	65350)		1845694.54	6670739.41	0.00
	S 0°15'53" E	9.12			
PI (	65349)		1845685.42	6670739.45	0.00
	N 89°33'59" E	69.50			
POE (	65342)		1845685.94	6670808.95	0.00

Northing Error: 0.01 ft
 Easting Error: 0.00 ft
 Closing Direction: S 18°01'34" W
 Closing Distance: 0.01 ft
 Closed Area: 542.04 sq ft (0.01 ac)
 Perimeter: 154.64 ft
 Precision: 18477.29

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1048-512-17

That portion of Lot 1011 of the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in the Quitclaim Deed recorded June 2, 2008 as Document No. 2008-0249838 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the southeasterly corner of the land described in said Quitclaim Deed;

thence along the easterly line of said land North 00°15'53" West 6.48 feet to the **True Point of Beginning**;

thence leaving said easterly line North 88°15'05" West 69.54 feet to the westerly line of said land;

thence along said westerly line North 00°15'53" West 15.01 feet;

thence leaving said westerly line South 88°15'05" East 14.36 feet;

thence South 01°53'26" East 2.47 feet;

thence North 88°06'34" East 35.11 feet;

thence North 00°17'12" West 0.24 feet;

thence South 88°15'05" East 19.99 feet to said easterly line;

thence along said easterly line South 00°15'53" East 15.01 feet to the **True Point of Beginning**.

Parcel contains 996 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/9/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-512-17	TEMPORARY CONSTRUCTION EASEMENT	996 SF

LINE TABLE

NO.	BEARING	DISTANCE
L1	N00°15'53"W	6.48'
L2	S88°15'05"E	14.36'
L3	S01°53'26"E	2.47'
L4	S88°06'34"E	35.11'
L5	N00°17'12"W	0.24'
L6	S88°15'05"E	19.99'



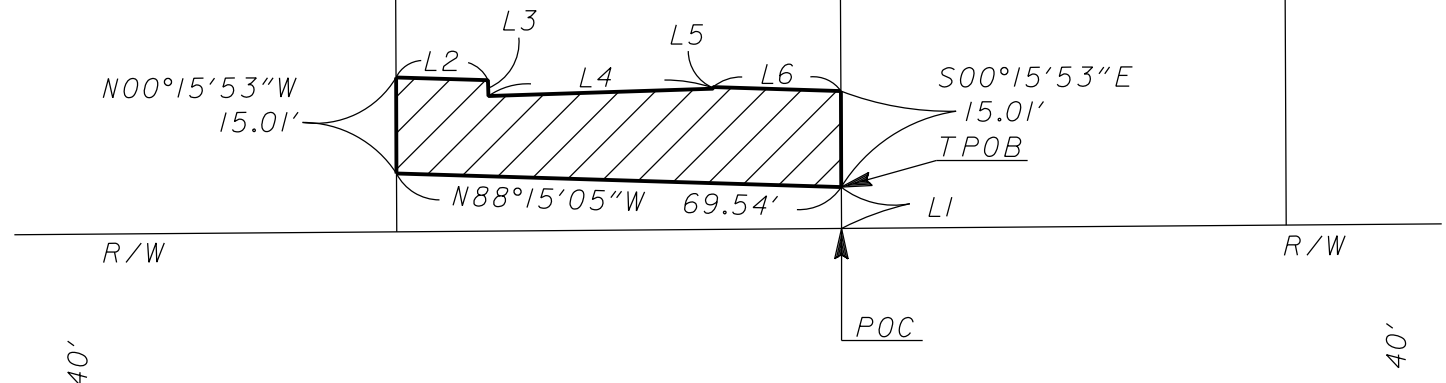
POR. LOT 1011 MAP OF ONTARIO
M.B. 11/6

APN: 1048-512-18

APN: 1048-512-17

APN: 1048-512-16

DOC. NO.
2008-0249838, O.R.



☐ HOLT BOULEVARD

CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

POC Point Of Commencement

TPOB True Point of Beginning

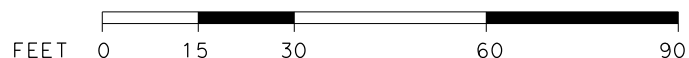
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/9/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1048-512-17 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65343)		1845692.42	6670808.92	0.00
	N 88°15'05" W	69.54			
PI (	65350)		1845694.54	6670739.41	0.00
	N 0°15'53" W	15.01			
PI (	65351)		1845709.55	6670739.34	0.00
	S 88°15'05" E	14.36			
PI (	65352)		1845709.11	6670753.70	0.00
	S 1°53'26" E	2.47			
PI (	65353)		1845706.64	6670753.78	0.00
	N 88°06'34" E	35.11			
PI (	65354)		1845707.80	6670788.87	0.00
	N 0°17'12" W	0.24			
PI (	65355)		1845708.04	6670788.87	0.00
	S 88°15'05" E	19.99			
PI (	65344)		1845707.43	6670808.85	0.00
	S 0°15'53" E	15.01			
POE (	65343)		1845692.42	6670808.92	0.00

Northing Error: 0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: S 35°23'27" E
 Closing Distance: 0.00 ft
 Closed Area: 995.53 sq ft (0.02 ac)
 Perimeter: 171.74 ft
 Precision: 40777.54

RESOLUTION OF NECESSITY No. 22-023

**ALBERT and BERTHA ALEMAN
PROPERTY**

(APN 1048-512-10)

RESOLUTION NO. 22-023

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1048-512-10

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 757 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 174 square foot permanent easement, legally described and depicted in Exhibit “1” hereto; and an approximate 1,080 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 1048-512-10

That portion of Lot 1011 of the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in the Grant Deed recorded January 13, 1999 as Document No. 1999-0013029 of Official Records in the office of the County Recorder of said County, lying southerly of the following described line:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, as shown on Parcel Map 2364 filed in Book 20, Page 86 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 282.98 feet to the southerly prolongation of the westerly line of Parcel 1 of said Parcel Map 2364;

thence along said southerly prolongation North $00^{\circ}15'53''$ West 50.00 feet to the southwesterly corner of said Parcel 1;

thence along the westerly line of said Parcel 1 North $00^{\circ}15'53''$ West 2.53 feet to the **True Point of Beginning** and the beginning of a non-tangent curve, concave northeasterly having a radius of 4.83 feet, a radial line to said curve bears South $65^{\circ}03'37''$ West;

thence leaving said westerly line southeasterly 3.82 feet along said curve through a central angle of $45^{\circ}14'59''$ to a point of non-tangency with the southerly line of said Parcel 1;

thence along said southerly line North $89^{\circ}33'59''$ East 47.92 feet to the beginning of a non-tangent curve, concave northwesterly having a radius of 4.83 feet, a radial line to said curve bears South $40^{\circ}36'49''$ East;

thence leaving said southerly line northeasterly 4.02 feet along said curve through a central angle of $47^{\circ}38'16''$;

thence South $88^{\circ}15'05''$ East 354.79 feet to the southerly line of said Lot 1011 and the **Point of Termination.**

Parcel contains 174 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/25/2021



EXHIBIT B

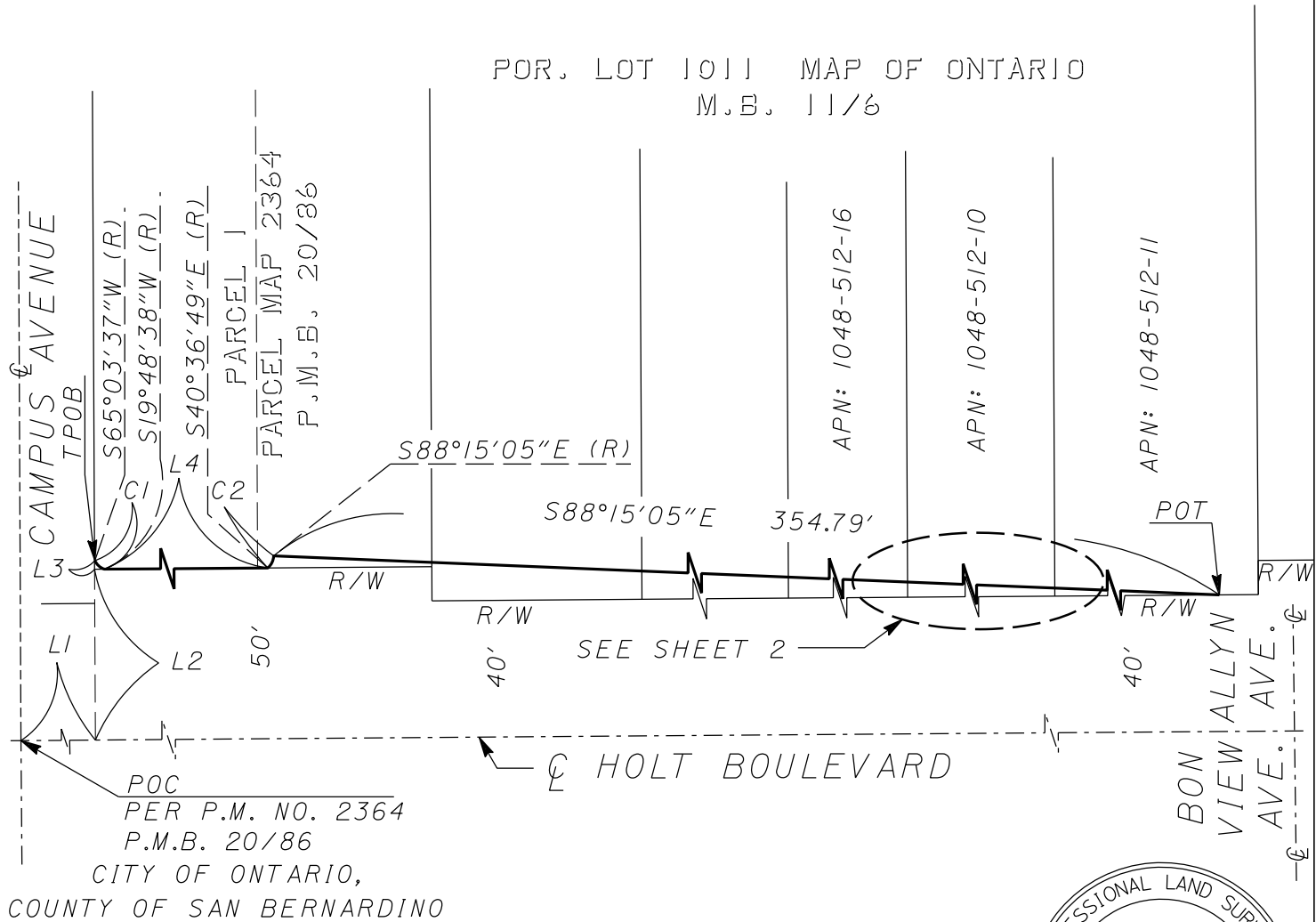
APN	TYPE OF ESTATE	AREA
1048-512-10	EASEMENT DEED OF RIGHT OF WAY DEDICATION	174 SF

LINE TABLE

NO.	BEARING	DISTANCE
L1	N89°33'59"E	282.98'
L2	N00°15'53"W	50.00'
L3	N00°15'53"W	2.53'
L4	N89°33'59"E	47.92'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
C1	45°14'59"	4.83'	3.82'
C2	47°38'16"	4.83'	4.02'



LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

POT Point of Termination

(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

TERI KAHLEN, PLS 8746 DATE

NOT TO SCALE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

N.T.S.

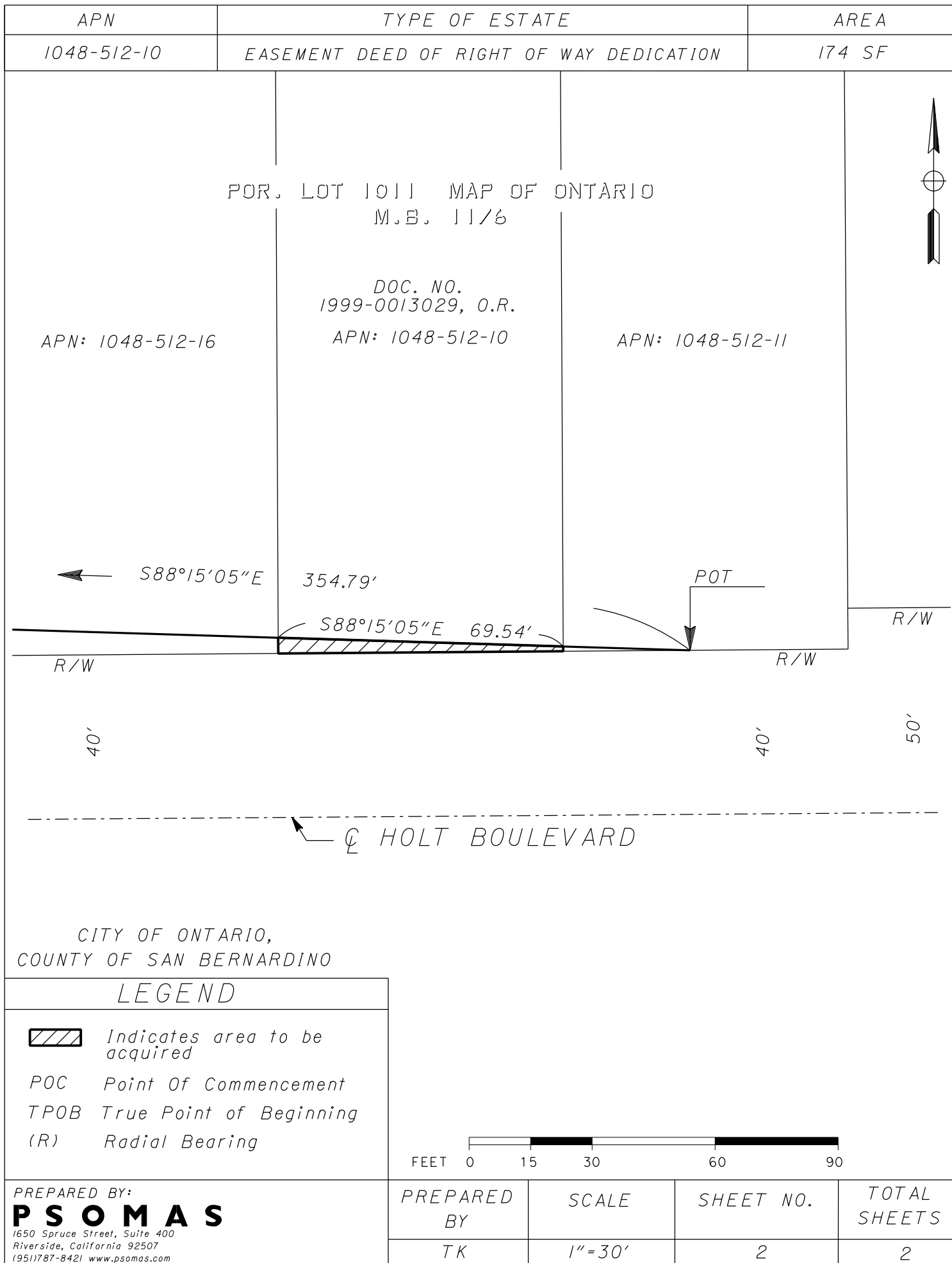
SHEET NO.

1

TOTAL
SHEETS

2

EXHIBIT B



LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

FEET 0 15 30 60 90

Map Check Report

Project: WVC - OC
 Alignment: 1048-512-10 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65259)		1845687.00	6670947.94	0.00
	N 0°15'53" W	1.18			
PI (	65260)		1845688.18	6670947.94	0.00
	N 88°15'05" W	69.54			
PI (	65261)		1845690.30	6670878.43	0.00
	S 0°15'53" E	3.83			
PI (	65262)		1845686.47	6670878.45	0.00
	N 89°33'59" E	69.50			
POE (	65259)		1845687.00	6670947.94	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 52°14'38" W
 Closing Distance: 0.00 ft
 Closed Area: 173.99 sq ft (0.00 ac)
 Perimeter: 144.05 ft
 Precision: 43204.40

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1048-512-10

That portion of Lot 1011 of the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in the Grant Deed recorded January 13, 1999 as Document No. 1999-0013029 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the southeasterly corner of the land described in said Grant Deed;

thence along the easterly line of said land North 00°15'53" West 1.18 feet to the **True Point of Beginning**;

thence leaving said easterly line North 88°15'05" West 69.54 feet to the westerly line of said land;

thence along said westerly line North 00°15'53" West 14.01 feet;

thence leaving said westerly line South 88°15'05" East 25.71 feet;

thence North 01°44'55" East 9.00 feet;

thence South 88°15'05" East 17.66 feet;

thence South 01°44'55" West 11.00 feet;

thence South 88°15'05" East 26.25 feet to said easterly line;

thence along said easterly line South 00°15'53" East 12.01 feet to the **True Point of Beginning**.

Parcel contains 1,080 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/25/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-512-10	TEMPORARY CONSTRUCTION EASEMENT	1,080 SF

APN: 1048-512-16

POR. LOT 1011
MAP OF ONTARIO
M.B. 11/6

DOC. NO.
1999-0013029, O.R.

APN: 1048-512-10

LINE TABLE

NO.	BEARING	DISTANCE
L1	N00°15'53"W	1.18'
L2	S88°15'05"E	25.71'
L3	N01°44'55"E	9.00'
L4	S88°15'05"E	17.66'
L5	S01°44'55"W	11.00'
L6	S88°15'05"E	26.25'

APN: 1048-512-11

The diagram shows a shaded rectangular area to be acquired, bounded by lines L1 through L6. The area is situated between two right-of-way (R/W) lines. A dashed line indicates the centerline of Holt Boulevard. Key points include the Point of Commencement (POC), True Point of Beginning (TPOB), and various bearings and distances for each boundary segment.

CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

CL HOLT BOULEVARD

<p>LEGEND</p> <p> Indicates area to be acquired</p> <p>POC Point Of Commencement</p> <p>TPOB True Point of Beginning</p> <p>(R) Radial Bearing</p>	<p>THIS PLAT WAS PREPARED UNDER MY DIRECTION</p> <p><u>Teri Kahlen</u> 5/25/2021</p> <p>TERI KAHLEN, PLS 8746 DATE</p> <div style="text-align: center;"> <p>FEET 0 15 30 60 90</p> </div>
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PREPARED BY:	SCALE	SHEET NO.	TOTAL SHEETS
PSOMAS	1" = 30'	1	1
<small>1650 Spruce Street, Suite 400 Riverside, California 92507 (951)787-8421 www.psomas.com</small>			

Map Check Report

Project: WVC - OC
 Alignment: 1048-512-10 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65260)		1845688.18	6670947.94	0.00
	N 88°15'05" W	69.54			
PI (	65261)		1845690.30	6670878.43	0.00
	N 0°15'53" W	14.01			
PI (	65270)		1845704.31	6670878.36	0.00
	S 88°15'05" E	25.71			
PI (	65269)		1845703.52	6670904.06	0.00
	N 1°44'55" E	9.00			
PI (	65268)		1845712.52	6670904.34	0.00
	S 88°15'05" E	17.66			
PI (	65267)		1845711.98	6670921.99	0.00
	S 1°44'55" W	11.00			
PI (	65266)		1845700.98	6670921.65	0.00
	S 88°15'05" E	26.25			
PI (	65265)		1845700.18	6670947.88	0.00
	S 0°15'53" E	12.01			
POE (	65260)		1845688.18	6670947.94	0.00

Northing Error: -0.00 ft
 Easting Error: 0.01 ft
 Closing Direction: N 81°01'27" W
 Closing Distance: 0.01 ft
 Closed Area: 1080.11 sq ft (0.02 ac)
 Perimeter: 185.17 ft
 Precision: 18869.26

RESOLUTION OF NECESSITY No. 22-025

**YOLANDA CHAVEZ
PROPERTY**

(APN 1048-512-16)

RESOLUTION NO. 22-025

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1048-512-16

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 755 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 358 square foot permanent easement, legally described and depicted in Exhibit “1” hereto; and an approximate 925 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 1048-512-16

That portion of Lot 1011 of the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in the Grant Deed recorded February 22, 1996 as Document No. 1996-0061682 of Official Records in the office of the County Recorder of said County, lying southerly of the following described line:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, as shown on Parcel Map 2364 filed in Book 20, Page 86 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 282.98 feet to the southerly prolongation of the westerly line of Parcel 1 of said Parcel Map 2364;

thence along said southerly prolongation North $00^{\circ}15'53''$ West 50.00 feet to the southwesterly corner of said Parcel 1;

thence along said westerly line North $00^{\circ}15'53''$ West 2.53 feet to the **True Point of Beginning** and the beginning of a non-tangent curve, concave northeasterly having a radius of 4.83 feet, a radial line to said curve bears South $65^{\circ}03'37''$ West;

thence leaving said westerly line southeasterly 3.82 feet along said curve through a central angle of $45^{\circ}14'59''$ to a point of non-tangency with the southerly line of said Parcel 1;

thence along said southerly line North $89^{\circ}33'59''$ East 47.92 feet to the beginning of a non-tangent curve, concave northwesterly having a radius of 4.83 feet, a radial line to said curve bears South $40^{\circ}36'49''$ East;

thence leaving said southerly line northeasterly 4.02 feet along said curve through a central angle of $47^{\circ}38'16''$;

thence South $88^{\circ}15'05''$ East 354.79 feet to the southerly line of said Lot 1011 and the **Point of Termination.**

Parcel contains 358 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/9/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-512-16	EASEMENT DEED OF RIGHT OF WAY DEDICATION	358 SF

LINE TABLE

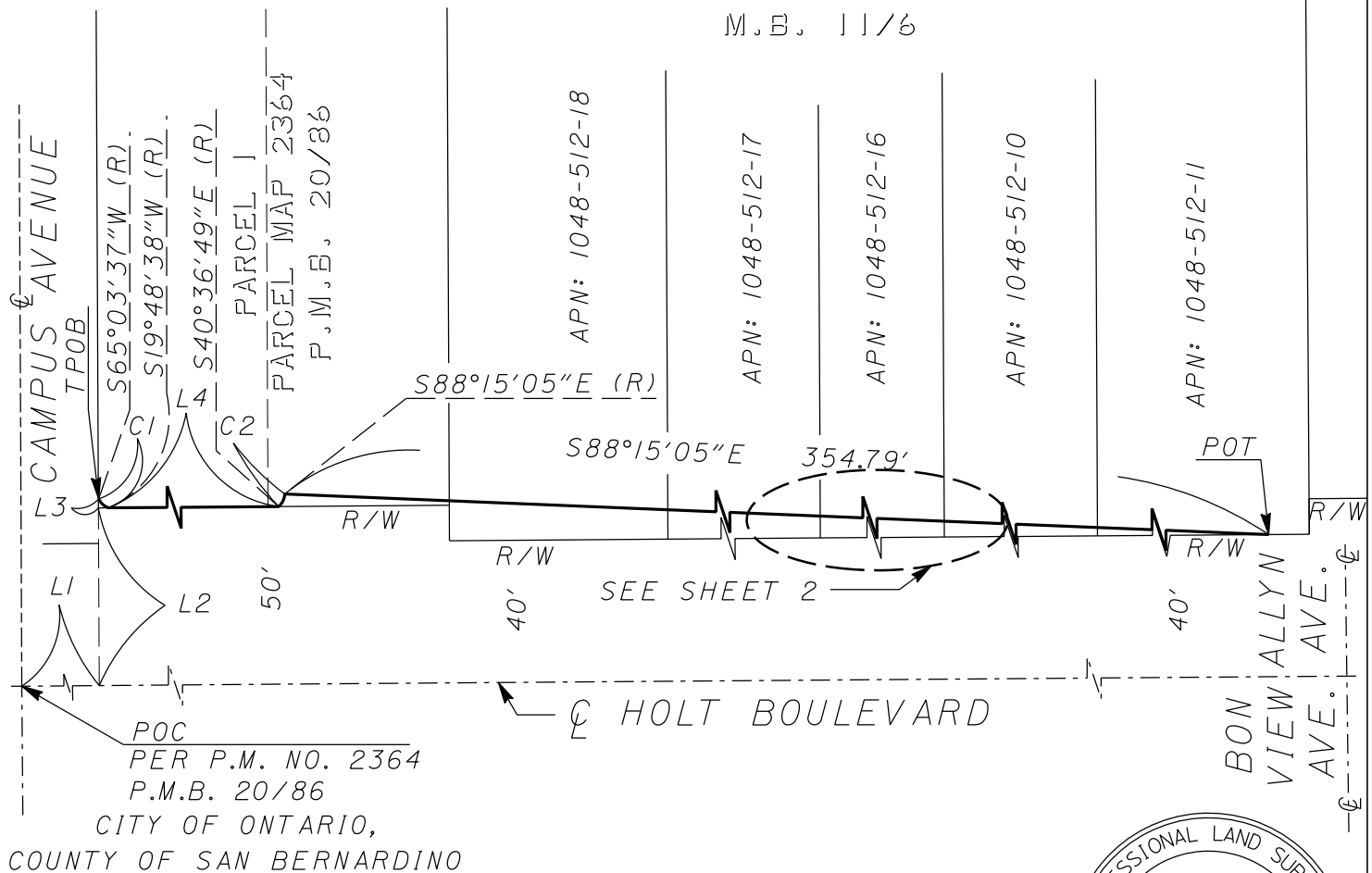
NO.	BEARING	DISTANCE
L1	N89°33'59"E	282.98'
L2	N00°15'53"W	50.00'
L3	N00°15'53"W	2.53'
L4	N89°33'59"E	47.92'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
C1	45°14'59"	4.83'	3.82'
C2	47°38'16"	4.83'	4.02'



POR. LOT 1011 MAP OF ONTARIO
M.B. 11/6



LEGEND



Indicates area to be acquired

POC Point Of Commencement
 TPOB True Point of Beginning
 POT Point of Termination
 (R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/9/2021

TERI KAHLEN, PLS 8746 DATE

NOT TO SCALE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
 Riverside, California 92507
 (951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

N.T.S.

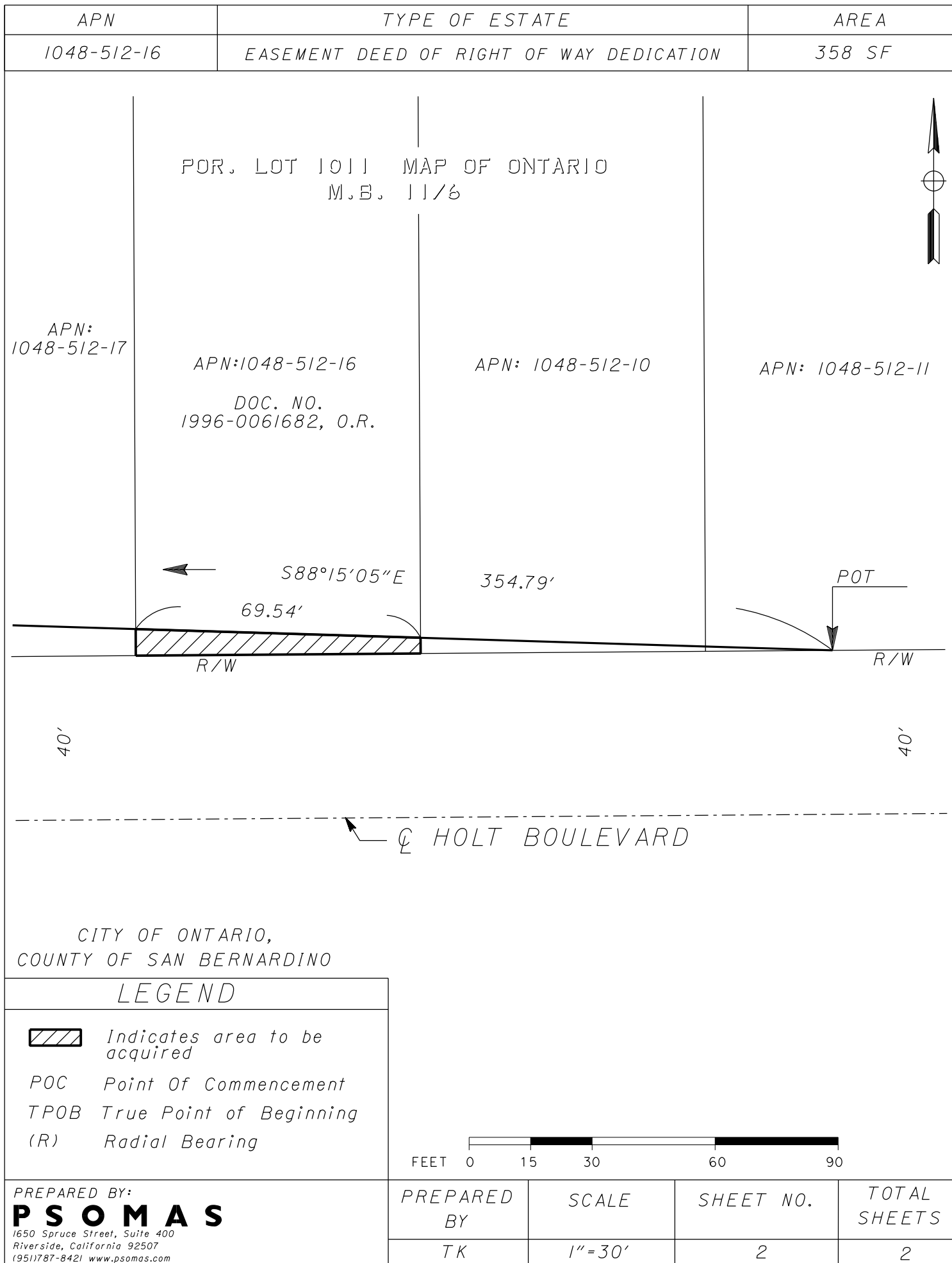
SHEET NO.

1

TOTAL
SHEETS

2

EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-512-16 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65262)		1845686.47	6670878.45	0.00
	N 0°15'53" W	3.83			
PI (	65261)		1845690.30	6670878.43	0.00
	N 88°15'05" W	69.54			
PI (	65343)		1845692.42	6670808.92	0.00
	S 0°15'53" E	6.48			
PI (	65342)		1845685.94	6670808.95	0.00
	N 89°33'59" E	69.50			
POE (	65262)		1845686.47	6670878.45	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 52°14'38" W
 Closing Distance: 0.00 ft
 Closed Area: 358.01 sq ft (0.01 ac)
 Perimeter: 149.34 ft
 Precision: 44794.00

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1048-512-16

That portion of Lot 1011 of the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in the Grant Deed recorded February 22, 1996 as Document No. 1996-0061682 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the southeasterly corner of the land described in said Grant Deed;

thence along the easterly line of said land North 00°15'53" West 3.83 feet to the **True Point of Beginning**;

thence leaving said easterly line North 88°15'05" West 69.54 feet to the westerly line of said land;

thence along said westerly line North 00°15'53" West 15.01 feet;

thence leaving said westerly line South 88°15'05" East 14.23 feet;

thence South 01°44'55" West 4.00 feet;

thence South 88°15'05" East 21.06 feet;

thence North 01°44'55" East 3.00 feet;

thence South 88°15'05" East 34.29 feet to said easterly line;

thence along said easterly line South 00°15'53" East 14.01 feet to the **True Point of Beginning**.

Parcel contains 925 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/9/2021

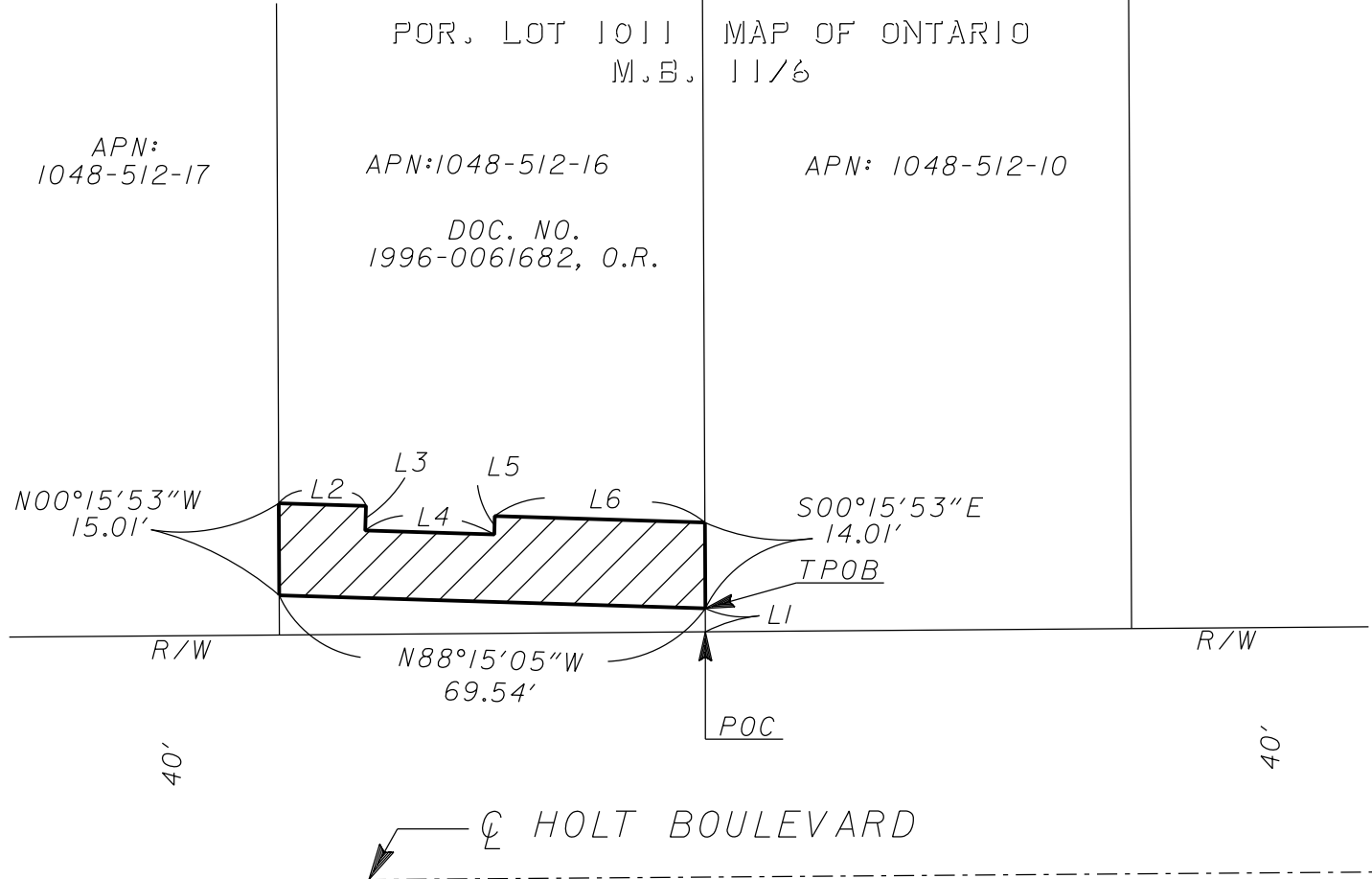


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-512-16	TEMPORARY CONSTRUCTION EASEMENT	925 SF

LINE TABLE

NO.	BEARING	DISTANCE
L1	N00°15'53"W	3.83'
L2	S88°15'05"E	14.23'
L3	S01°44'55"W	4.00'
L4	S88°15'05"E	21.06'
L5	N01°44'55"E	3.00'
L6	S88°15'05"E	34.29'



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

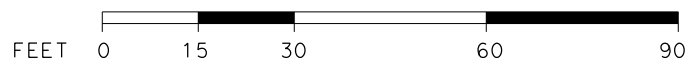
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/9/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1048-512-16 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65261)		1845690.30	6670878.43	0.00
	N 88°15'05" W	69.54			
PI (	65343)		1845692.42	6670808.92	0.00
	N 0°15'53" W	15.01			
PI (	65344)		1845707.43	6670808.85	0.00
	S 88°15'05" E	14.23			
PI (	65345)		1845706.99	6670823.07	0.00
	S 1°44'55" W	4.00			
PI (	65346)		1845703.00	6670822.95	0.00
	S 88°15'05" E	21.06			
PI (	65347)		1845702.35	6670844.00	0.00
	N 1°44'55" E	3.00			
PI (	65348)		1845705.35	6670844.09	0.00
	S 88°15'05" E	34.29			
PI (	65270)		1845704.31	6670878.36	0.00
	S 0°15'53" E	14.01			
POE (	65261)		1845690.30	6670878.43	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 81°01'27" W
 Closing Distance: 0.00 ft
 Closed Area: 924.62 sq ft (0.02 ac)
 Perimeter: 175.14 ft
 Precision: 35692.44

RESOLUTION OF NECESSITY No. 22-027

**SEN MOU SHIH & WEI-CHO SHIH, AS TO
AN UNDIVIDED 50% INTEREST; CHUNG
HSIEN LEE & SHU LUAN FENG LEE, AS TO
AN UNDIVIDED 50% INTEREST
PROPERTY**

(APN 0110-071-02)

RESOLUTION NO. 22-027

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 0110-071-02

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at N/O East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,983 square foot permanent easement, legally described and depicted in Exhibit “1” hereto; and an approximate 1,272 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-071-02

That portion of the East half of Lot 34, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described in the Grant Deed recorded February 19, 1981 as Document No. 81-035506 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue, as shown on Parcel Map No. 10241 filed in Book 133, Pages 1 and 2 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard South 89°35'44" West 207.07 feet to the southerly prolongation of the westerly line of the land described in said Grant Deed;

thence along said southerly prolongation North 00°18'19" West 40.00 feet to the southwesterly corner of said land and the **True Point of Beginning**;

thence along said westerly line North 00°18'19" West 11.00 feet;

thence leaving said westerly line North 89°36'06" East 161.67 feet;

thence North 47°19'21" East 16.79 feet to the easterly line of said land;

thence along said easterly line South 00°18'02" East 22.28 feet to the southeasterly corner of said land;

thence along the southerly line of said land South 89°35'44" West 174.07 feet to the **True Point of Beginning**.

Parcel contains 1,983 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

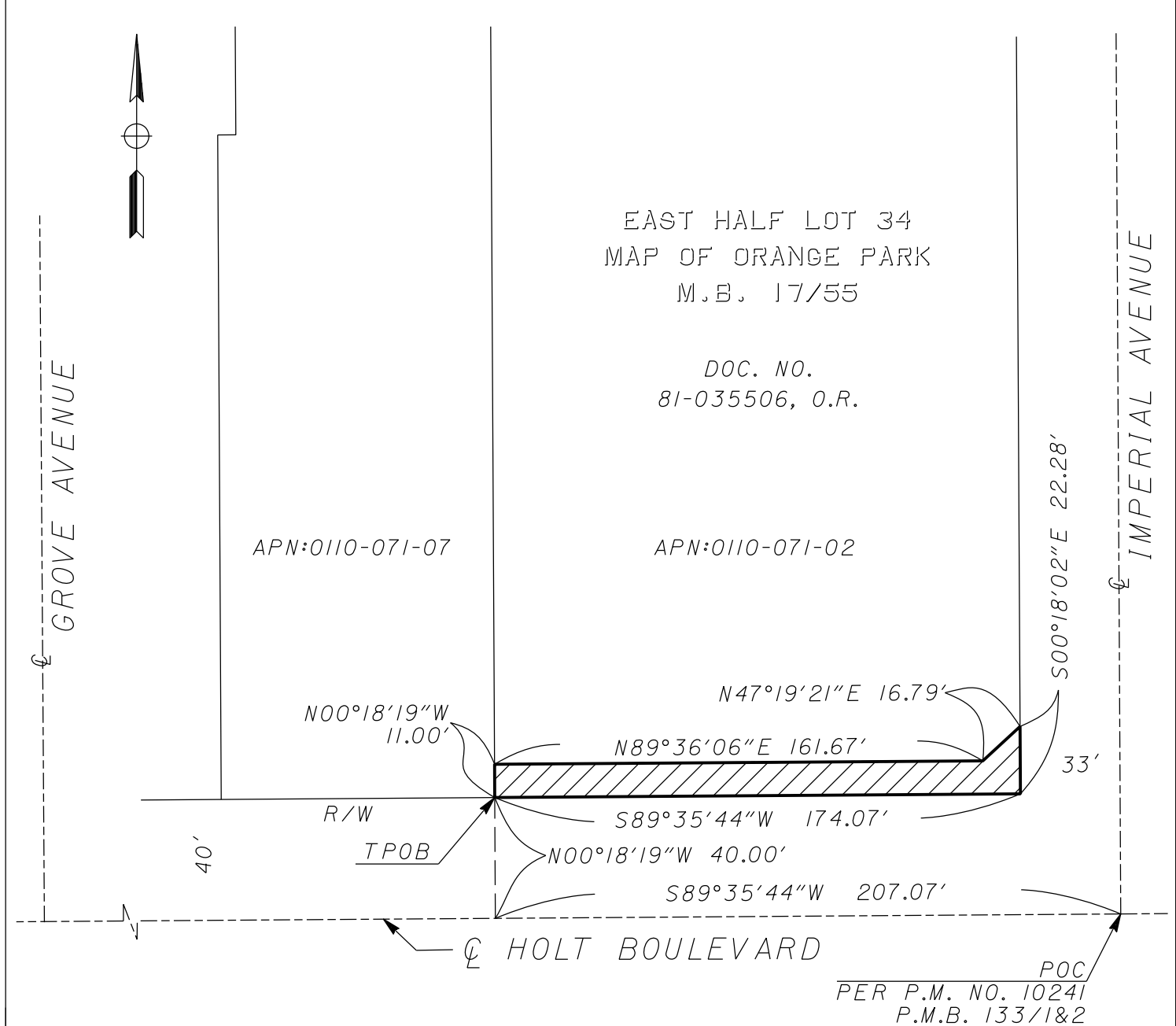
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/26/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-071-02	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,983 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

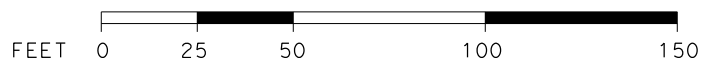
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/26/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

JS

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-071-02 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65147)		1845719.63	6675696.37	0.00
	N 0°18'19" W	11.00			
PI (	65146)		1845730.63	6675696.32	0.00
	N 89°36'06" E	161.67			
PI (	65277)		1845731.75	6675857.98	0.00
	N 47°19'21" E	16.79			
PI (	65278)		1845743.14	6675870.33	0.00
	S 0°18'02" E	22.28			
PI (	65283)		1845720.86	6675870.44	0.00
	S 89°35'44" W	174.07			
POE (	65147)		1845719.63	6675696.37	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 36°55'32" W
 Closing Distance: 0.00 ft
 Closed Area: 1983.34 sq ft (0.05 ac)
 Perimeter: 385.82 ft
 Precision: 97361.06

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-071-02

That portion of the East half of Lot 34, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described in the Grant Deed recorded February 19, 1981 as Document No. 81-035506 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue, as shown on Parcel Map No. 10241 filed in Book 133, Pages 1 and 2 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard South 89°35'44" West 207.07 feet to the southerly prolongation of the westerly line of the land described in said Grant Deed;

thence along said southerly prolongation and said westerly line North 00°18'19" West 51.00 feet to the **True Point of Beginning**;

thence leaving said westerly line North 89°36'06" East 161.67 feet;

thence North 47°19'21" East 16.79 feet to the easterly line of said land;

thence along said easterly line North 00°18'02" West 8.12 feet;

thence leaving said easterly line South 47°19'21" West 19.95 feet;

thence South 89°36'06" West 146.90 feet;

thence North 00°23'54" West 16.00 feet;

thence South 89°36'06" West 12.41 feet to the westerly line of said land;

thence along said westerly line South 00°18'19" East 22.00 feet to the **True Point of Beginning**.

Parcel contains 1,272 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

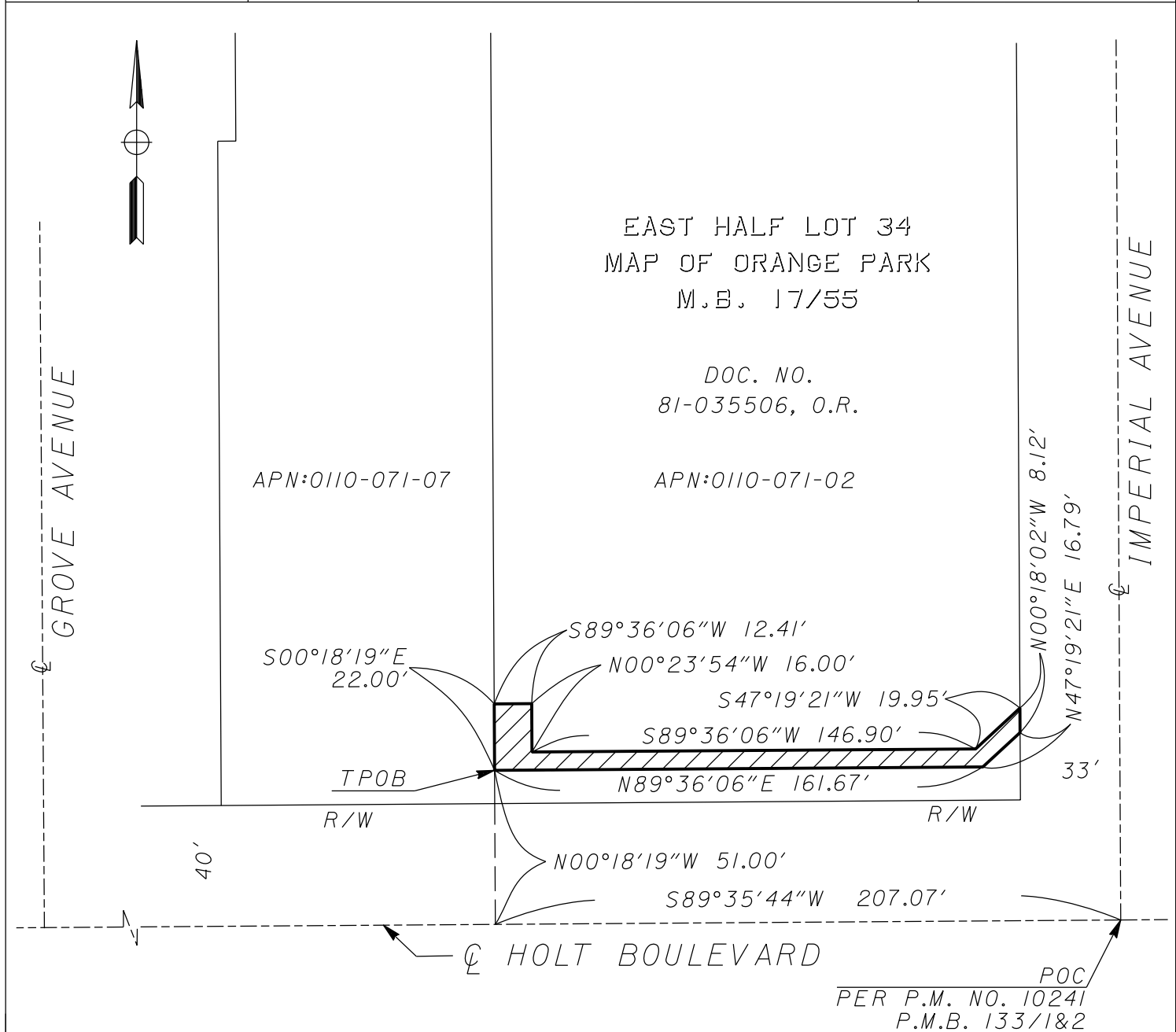
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/26/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-071-02	TEMPORARY CONSTRUCTION EASEMENT	1,272 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

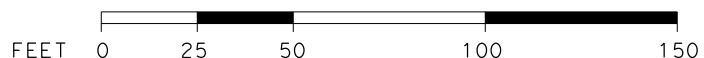
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/26/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

JS

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-071-02 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65146)		1845730.63	6675696.32	0.00
	N 89°36'06" E	161.67			
PI (	65277)		1845731.75	6675857.98	0.00
	N 47°19'21" E	16.79			
PI (	65278)		1845743.14	6675870.33	0.00
	N 0°18'02" W	8.12			
PI (	65279)		1845751.26	6675870.28	0.00
	S 47°19'21" W	19.95			
PI (	65280)		1845737.74	6675855.62	0.00
	S 89°36'06" W	146.90			
PI (	65281)		1845736.72	6675708.72	0.00
	N 0°23'54" W	16.00			
PI (	65282)		1845752.72	6675708.61	0.00
	S 89°36'06" W	12.41			
PI (	65145)		1845752.63	6675696.20	0.00
	S 0°18'19" E	22.00			
POE (	65146)		1845730.63	6675696.32	0.00

Northing Error: -0.01 ft
 Easting Error: 0.00 ft
 Closing Direction: N 1°33'47" W
 Closing Distance: 0.01 ft
 Closed Area: 1272.05 sq ft (0.03 ac)
 Perimeter: 403.85 ft
 Precision: 68990.29

RESOLUTION OF NECESSITY No. 22-028

**QU'S HOLDING LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY
PROPERTY**

(APN 0110-071-06 & 0110-071-07)

RESOLUTION NO. 22-028

**A RESOLUTION OF THE SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY FINDING AND DETERMINING
THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN
REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND
DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S
PARCEL NOS. 0110-071-06 & 0110-071-07**

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 1381 & 1387 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 920 square foot permanent easement from APN 0110-071-06, legally described and depicted in Exhibit “1” hereto; an approximate 997 square foot permanent easement from APN 0110-071-07, legally described and depicted in Exhibit “2” hereto; an approximate 861 square foot temporary construction easement, with a term of twenty-four months, from APN 0110-071-06, legally described and depicted in Exhibit “3” hereto; and an approximate 1,209 square foot temporary construction easement, with a term of twenty-four months, from APN 0110-071-07, legally described and depicted in Exhibit “4” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-

income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "4" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

(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 least private injury;

(c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

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In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping

to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-071-06

That portion of the West half of Lot 34, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 1 in the Grant Deed recorded August 1, 2016 as Document No. 2016-0307712 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue, as shown on Parcel Map No. 10241 filed in Book 133, Pages 1 and 2 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard South 89°35'44" West 297.64 feet to the southerly prolongation of the easterly line of said Parcel 1;

thence along said southerly prolongation North 00°18'19" West 40.00 feet to the southeasterly corner of said Parcel 1 and the **True Point of Beginning**;

thence along the southerly line of said Parcel 1 South 89°35'44" West 83.50 feet to the southwesterly corner of said Parcel 1;

thence along the westerly line of said Parcel 1 North 00°18'35" West 11.02 feet;

thence leaving said Parcel 1 North 89°36'06" East 83.51 feet to the easterly line of said Parcel 1;

thence along said easterly line South 00°18'19" East 11.01 feet to the **True Point of Beginning**.

Parcel contains 920 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 4/7/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-071-06	EASEMENT DEED OF RIGHT OF WAY DEDICATION	920 SF

LOT 34
MAP OF ORANGE PARK
M.B. 17/55

PARCEL 1 PARCEL 2

DOC. NO.
2016-0307712, O.R.

APN:0110-071-06 APN:0110-071-07

6' WIDE PUE TO SCE
REC. 12/6/1957
PER BK 4385, PG 511, O.R.

N00°18'35"W 11.02'

N89°36'06"E 83.51'

S00°18'19"E 11.01'

83.50'

S89°35'44"W 40.00'

N00°18'19"W

40'

POC
PER P.M. NO. 10241
P.M.B. 133/1&2

S89°35'44"W 297.64'

TPOB

HOLT BOULEVARD

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 4/7/2021

TERI KAHLEN, PLS 8746 DATE

FEET 0 25 50 100 150

PREPARED BY: PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 (951)787-8421 www.psomas.com	PREPARED BY TK	SCALE 1"=50'	SHEET NO. 1	TOTAL SHEETS 1
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Map Check Report

Project: WVC - OC
 Alignment: 0110-071-06 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65139)		1845718.99	6675605.81	0.00
	S 89°35'44" W	83.50			
PI (	65142)		1845718.40	6675522.30	0.00
	N 0°18'35" W	11.02			
PI (	65141)		1845729.42	6675522.24	0.00
	N 89°36'06" E	83.51			
PI (	65140)		1845730.00	6675605.75	0.00
	S 0°18'19" E	11.01			
POE (	65139)		1845718.99	6675605.81	0.00

Northing Error: 0.00 ft
 Easting Error: 0.01 ft
 Closing Direction: S 82°47'03" W
 Closing Distance: 0.01 ft
 Closed Area: 919.82 sq ft (0.02 ac)
 Perimeter: 189.04 ft
 Precision: 20487.40

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-071-07

That portion of the West half of Lot 34, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 2 in the Grant Deed recorded August 1, 2016 as Document No. 2016-0307712 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue, as shown on Parcel Map No. 10241 filed in Book 133, Pages 1 and 2 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard South 89°35'44" West 297.64 feet to the southerly prolongation of the westerly line of said Parcel 2;

thence along said southerly prolongation North 00°18'19" West 40.00 feet to the southwest corner of said Parcel 2 and the **True Point of Beginning**;

thence along said westerly line North 00°18'19" West 11.01 feet;

thence leaving said westerly line North 89°36'06" East 90.57 feet to the easterly line of said Parcel 2;

thence along said easterly line South 00°18'19" East 11.00 feet to the southeasterly corner of said Parcel 2;

thence along the southerly line of said Parcel 2 South 89°35'44" West 90.57 feet to the **True Point of Beginning**.

Parcel contains 997 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 4/7/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-071-07	EASEMENT DEED OF RIGHT OF WAY DEDICATION	997 SF

WEST 1/2 OF LOT 34
MAP OF ORANGE PARK
M.B. 17/55

PARCEL 1 PARCEL 2

DOC. NO.
2016-0307712, O.R.

APN: 0110-071-06 APN: 0110-071-07

6' WIDE PUE TO SCE
REC. 12/6/1957
PER BK 4385, PG 512, O.R.

N00°18'19"W 11.01'

N89°36'06"E 90.57'

S00°18'19"E 11.00'

TPOB POC

40.00' PER P.M. NO. 10241
N00°18'19"W P.M.B. 133/1&2

S89°35'44"W 90.57'

S89°35'44"W 297.64'

CL GROVE AVENUE CL IMPERIAL AVENUE

CL HOLT BOULEVARD

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND	
	Indicates area to be acquired
POC	Point Of Commencement
TPOB	True Point of Beginning
(R)	Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 4/7/2021
TERI KAHLEN, PLS 8746 DATE

PROFESSIONAL LAND SURVEYOR
TERI KAHLEN
No. 8746
STATE OF CALIFORNIA

FEET 0 25 50 100 150

PREPARED BY: PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 (951)787-8421 www.psomas.com	PREPARED BY TK	SCALE 1"=50'	SHEET NO. 1	TOTAL SHEETS 1
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Map Check Report

Project: WVC - OC
 Alignment: 0110-071-07 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65139)		1845718.99	6675605.81	0.00
	N 0°18'19" W	11.01			
PI (	65140)		1845730.00	6675605.75	0.00
	N 89°36'06" E	90.57			
PI (	65146)		1845730.63	6675696.32	0.00
	S 0°18'19" E	11.00			
PI (	65147)		1845719.63	6675696.37	0.00
	S 89°35'44" W	90.57			
POE (	65139)		1845718.99	6675605.81	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: S 2°25'27" W
 Closing Distance: 0.00 ft
 Closed Area: 996.78 sq ft (0.02 ac)
 Perimeter: 203.15 ft
 Precision: 596985.32

EXHIBIT “3”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-071-06

That portion of the West half of Lot 34, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 1 in the Grant Deed recorded August 1, 2016 as Document No. 2016-0307712 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue, as shown on Parcel Map No. 10241 filed in Book 133, Pages 1 and 2 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard South 89°35'44" West 297.64 feet to the southerly prolongation of the easterly line of said Parcel 1;

thence along said southerly prolongation and said easterly line North 00°18'19" West 51.01 feet to the **True Point of Beginning**;

thence continuing along said easterly line North 00°18'19" West 6.00 feet;

thence leaving said easterly line South 89°36'06" West 10.87 feet;

thence North 00°23'54" West 7.50 feet;

thence South 89°36'06" West 48.00 feet;

thence South 00°23'54" East 7.50 feet;

thence South 89°36'06" West 24.63 feet to the westerly line of said Parcel 1;

thence along said westerly line South 00°18'35" East 6.00 feet;

thence leaving said westerly line North 89°36'06" East 83.51 feet to the **True Point of Beginning**.

Parcel contains 861 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

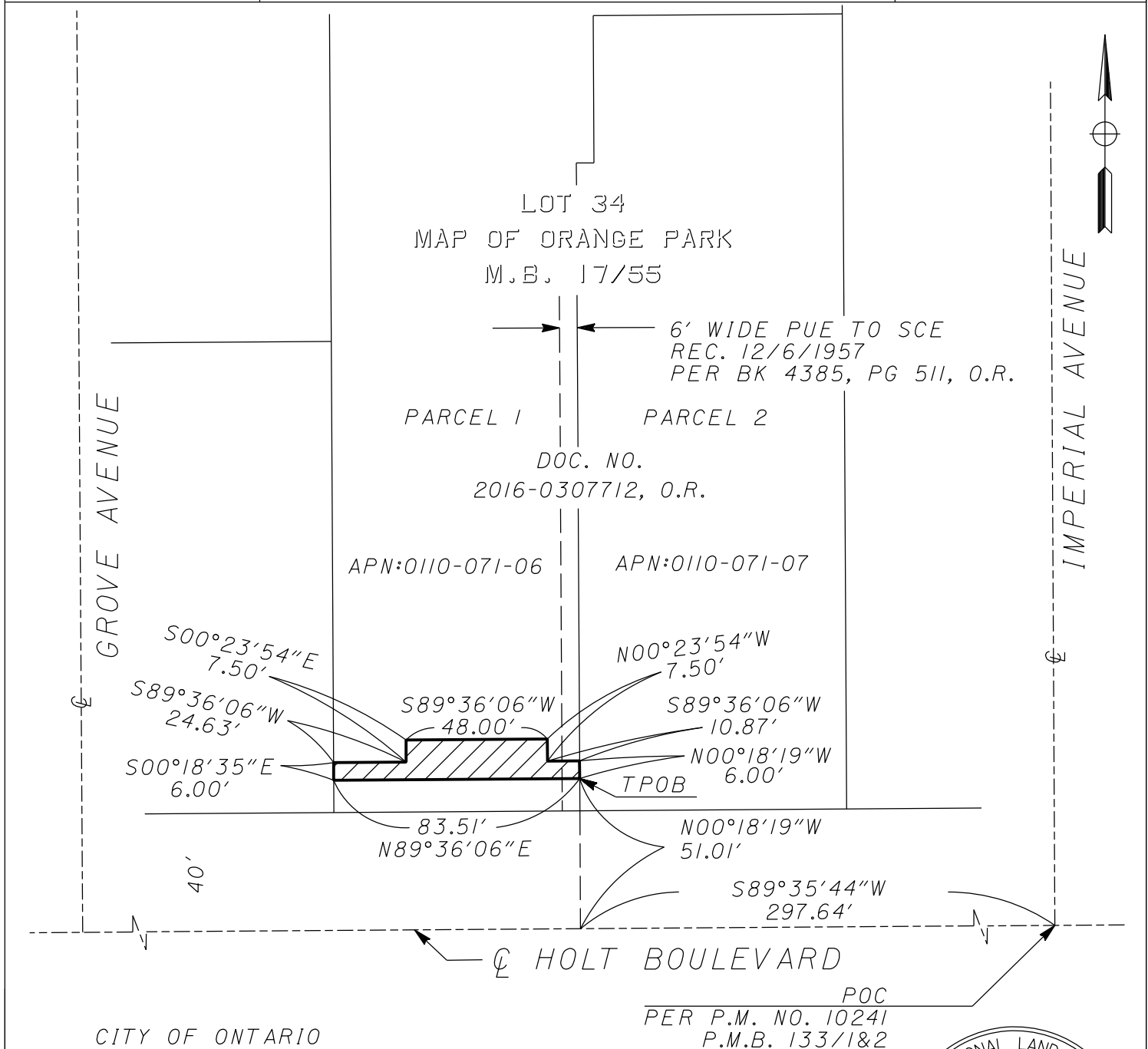
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/10/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-071-06	TEMPORARY CONSTRUCTION EASEMENT	861 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

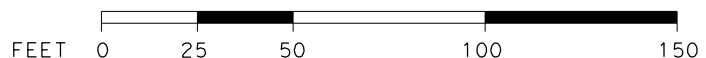
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

8/10/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-071-06 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	65140)		1845730.001	6675605.747	0.000
	N 0°18'19" W	6.00			
POT (	65144)		1845736.001	6675605.715	0.000
	S 89°36'06" W	10.87			
POT (	85759)		1845735.925	6675594.844	0.000
	N 0°23'54" W	7.50			
POT (	85758)		1845743.425	6675594.792	0.000
	S 89°36'06" W	48.00			
POT (	85757)		1845743.091	6675546.793	0.000
	S 0°23'54" E	7.50			
POT (	85756)		1845735.591	6675546.845	0.000
	S 89°36'06" W	24.63			
POT (	65143)		1845735.420	6675522.212	0.000
	S 0°18'35" E	6.00			
POT (	65141)		1845729.420	6675522.244	0.000
	N 89°36'06" E	83.51			
POT (	65140)		1845730.001	6675605.747	0.000

Northing Error: 0.000 ft
 Easting Error: 0.010 ft
 Closing Direction: S 89°36'21" W
 Closing Distance: 0.010 ft
 Closed Area: 861.0 sq ft (0.0 ac)
 Perimeter: 194.011 ft
 Precision: 18538.194

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-071-07

That portion of the West half of Lot 34, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 2 in the Grant Deed recorded August 1, 2016 as Document No. 2016-0307712 of Official Records in the office of said County Recorder, described as follows:

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thence along said centerline of Holt Boulevard South 89°35'44" West 297.64 feet to the southerly prolongation of the westerly line of said Parcel 2;

thence along said southerly prolongation and said westerly line North 00°18'19" West 51.01 feet to the **True Point of Beginning**;

thence leaving said westerly line North 89°36'06" East 90.57 feet to the easterly line of said Parcel 2;

thence along said easterly line North 00°18'19" West 22.00 feet;

thence leaving said easterly line South 89°36'06" West 41.59 feet;

thence South 00°23'54" East 16.00 feet;

thence South 89°36'06" West 49.01 feet to the westerly line of said Parcel 2;

thence along said westerly line South 00°18'19" East 6.00 feet to the **True Point of Beginning**.

Parcel contains 1,209 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

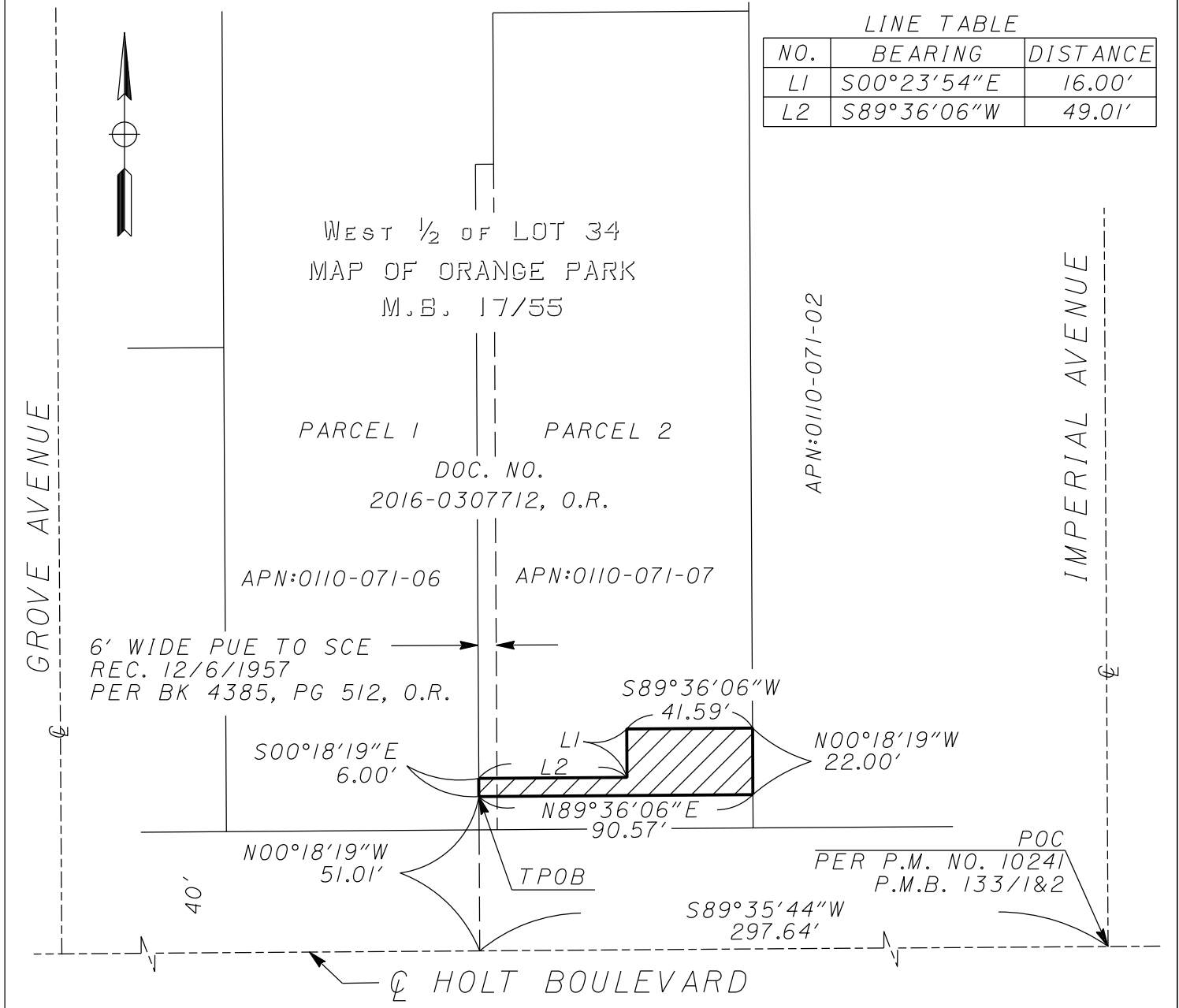
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 4/7/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-071-07	TEMPORARY CONSTRUCTION EASEMENT	1,209 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

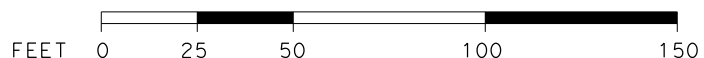
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

4/7/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-071-07 TCE T
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65140)		1845730.00	6675605.75	0.00
	N 89°36'06" E	90.57			
PI (	65146)		1845730.63	6675696.32	0.00
	N 0°18'19" W	22.00			
PI (	65145)		1845752.63	6675696.20	0.00
	S 89°36'06" W	41.59			
PI (	65133)		1845752.34	6675654.61	0.00
	S 0°23'54" E	16.00			
PI (	65127)		1845736.34	6675654.72	0.00
	S 89°36'06" W	49.01			
PI (	65144)		1845736.00	6675605.72	0.00
	S 0°18'19" E	6.00			
POE (	65140)		1845730.00	6675605.75	0.00

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 89°18'02" E
 Closing Distance: 0.00 ft
 Closed Area: 1208.62 sq ft (0.03 ac)
 Perimeter: 225.17 ft
 Precision: 56095.43

RESOLUTION OF NECESSITY No. 22-029

Anthony Ditommaso, as to an undivided 42.026% interest; Jeanne D. Bruno, as to an undivided 42.026% interest; Deanna P. Brost (formerly Deanna P. Ditommaso), Trustee of the Deanna P. Brost Separate Property Trust Dated June 28, 2005, as to an undivided 5.316% interest; Christopher F. Ditommaso, Trustee of the Christopher F. Ditommaso Separate Property Trust Dated August 2, 2005, as to an undivided 5.316% interest; Franklin J. Bruno, Trustee of the Franklin J. Bruno Living Trust, as to an undivided 2.658%

**interest, and Anthony Ditommaso and
Beverly B. Ditommaso, Trustees of the
Anthony & Beverly Ditommaso and
Beverly B. Ditommaso Living Trust Dated
April 23, 2003, as to an undivided
2.658% interest
PROPERTY
(APN 0110-081-07)**

RESOLUTION NO. 22-029

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 0110-081-07

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at N/O East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 2,975 square foot permanent easement, legally described and depicted in Exhibit “1” hereto; and an approximate 2,740 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-081-07

That portion of Lot 38 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described in the Grant Deed recorded June 11, 2020 as Document No. 2020-0192681 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Parcel Map No. 14184 filed in Book 165, Pages 92 and 93 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 1,425.96 feet to the southerly prolongation of the easterly line of said Lot 38;

thence leaving said centerline along said southerly prolongation North 00°19'30" West 40.00 feet to the southeasterly corner of said Lot 38 and the **True Point of Beginning**;

thence along said easterly line North 00°19'30" West 11.10 feet;

thence leaving said easterly line South 89°36'06" West 268.23 feet to the westerly line of the land described in said Grant Deed;

thence along said westerly line South 00°19'08" East 11.08 feet to the southerly line of said Lot 38;

thence along said southerly line North 89°36'25" East 268.23 feet to the **True Point of Beginning**.

Containing 2,975 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

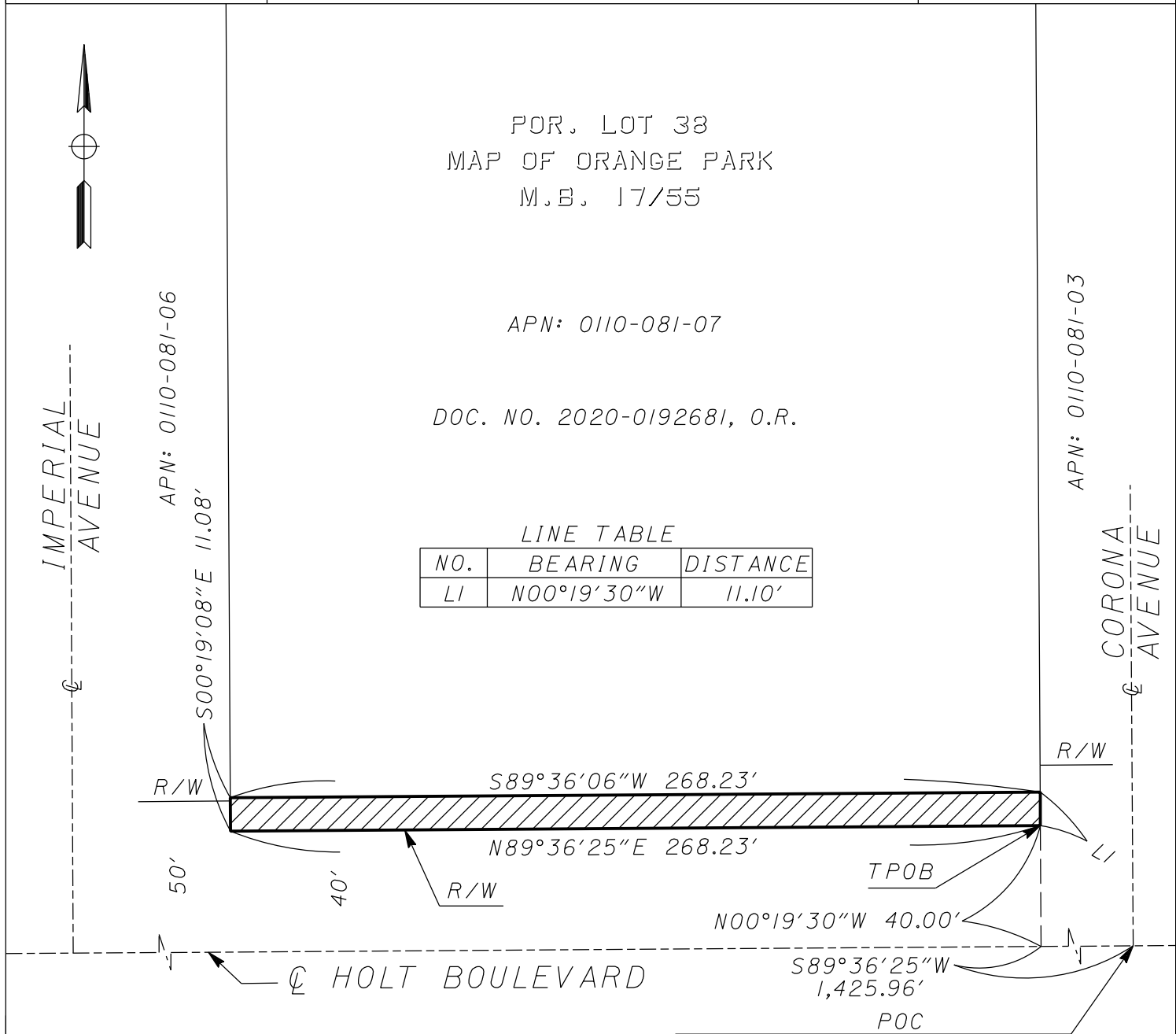
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/20/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-081-07	EASEMENT DEED OF RIGHT OF WAY DEDICATION	2,975 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

PER P.M. NO. 14184
P.M.B. 165/92&93

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

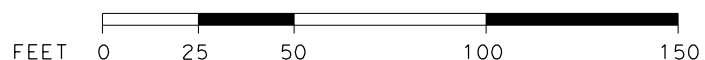
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/20/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-081-07 ROW Esmt
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85385)		1845730.876	6677329.350	0.000
	N 0°19'30" W	11.10			
POT (	85386)		1845741.980	6677329.287	0.000
	S 89°36'06" W	268.23			
POT (	85378)		1845740.116	6677061.059	0.000
	S 0°19'08" E	11.08			
POT (	85387)		1845729.035	6677061.121	0.000
	N 89°36'25" E	268.23			
POT (	85385)		1845730.876	6677329.350	0.000

Northing Error: -0.005 ft
 Easting Error: -0.001 ft
 Closing Direction: N 13°25'01" E
 Closing Distance: 0.005 ft
 Closed Area: 2975.3 sq ft (0.1 ac)
 Perimeter: 558.653 ft
 Precision: 115265.553

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-081-07

That portion of Lot 38 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described in the Grant Deed recorded June 11, 2020 as Document No. 2020-0192681 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Parcel Map No. 14184 filed in Book 165, Pages 92 and 93 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}36'25''$ West 1,425.96 feet to the southerly prolongation of the easterly line of said Lot 38;

thence leaving said centerline along said southerly prolongation and said easterly line North $00^{\circ}19'30''$ West 51.10 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}36'06''$ West 268.23 feet to the westerly line of the land described in said Grant Deed;

thence along said westerly line North $00^{\circ}19'08''$ West 8.00 feet;

thence leaving said westerly line North $89^{\circ}36'06''$ East 83.06 feet;

thence North $00^{\circ}23'54''$ West 23.50 feet;

thence North $89^{\circ}36'06''$ East 42.00 feet;

thence South $00^{\circ}23'54''$ East 26.50 feet;

thence North $89^{\circ}36'06''$ East 139.52 feet;

thence North $00^{\circ}23'54''$ West 10.00 feet;

thence North $89^{\circ}36'06''$ East 3.66 feet to said easterly line;

thence along said easterly line South 00°19'30" East 15.00 feet to the **True Point of Beginning**.

Containing 2,740 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

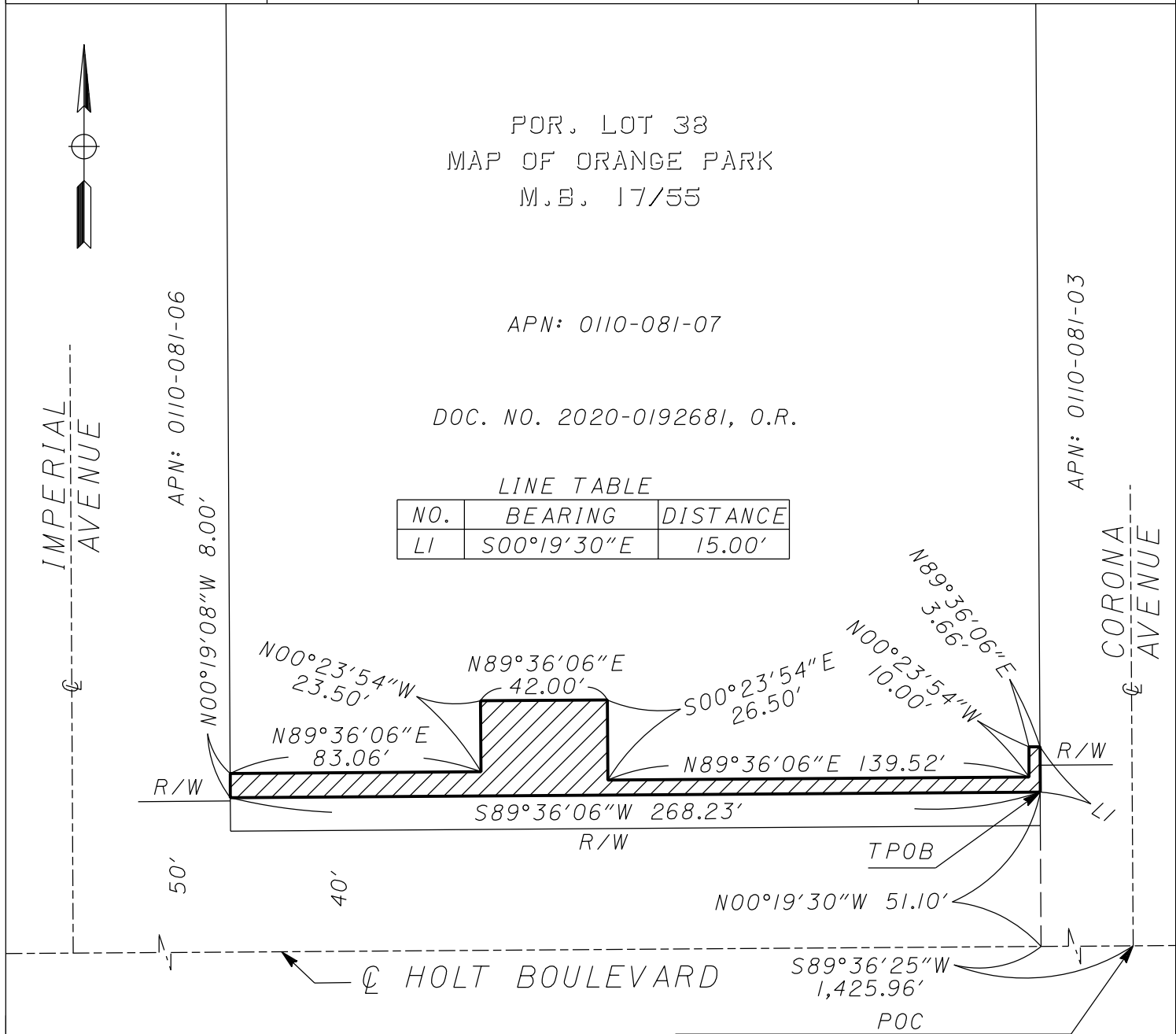
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/20/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-081-07	TEMPORARY CONSTRUCTION EASEMENT	2,740 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

PER P.M. NO. 14184
P.M.B. 165/92&93

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

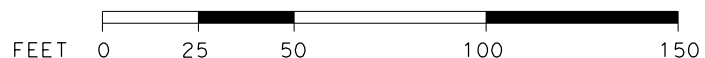
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/20/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-081-07 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85386)		1845741.980	6677329.287	0.000
	S 89°36'06" W	268.23			
POT (	85378)		1845740.116	6677061.059	0.000
	N 0°19'08" W	8.00			
POT (	85388)		1845748.115	6677061.015	0.000
	N 89°36'06" E	83.06			
POT (	85389)		1845748.693	6677144.072	0.000
	N 0°23'54" W	23.50			
POT (	85390)		1845772.192	6677143.909	0.000
	N 89°36'06" E	42.00			
POT (	85391)		1845772.484	6677185.908	0.000
	S 0°23'54" E	26.50			
POT (	85392)		1845745.985	6677186.092	0.000
	N 89°36'06" E	139.52			
POT (	85393)		1845746.954	6677325.607	0.000
	N 0°23'54" W	10.00			
POT (	85394)		1845756.954	6677325.537	0.000
	N 89°36'06" E	3.66			
POT (	85395)		1845756.980	6677329.201	0.000
	S 0°19'30" E	15.00			
POT (	85386)		1845741.980	6677329.287	0.000

Northing Error: 0.000 ft
 Easting Error: 0.002 ft
 Closing Direction: S 89°27'45" W
 Closing Distance: 0.002 ft
 Closed Area: 2739.9 sq ft (0.1 ac)
 Perimeter: 619.476 ft
 Precision: 327083.135

RESOLUTION OF NECESSITY No. 22-030
HOLT BLVD. LLC, A CALIFORNIA LIMITED
LIABILITY COMPANY
PROPERTY
(APN 0110-081-08)

RESOLUTION NO. 22-030

**A RESOLUTION OF THE SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY FINDING AND DETERMINING
THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN
REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND
DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S
PARCEL NO. 0110-081-08**

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 1627 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 99 square foot permanent easement, legally described and depicted in Exhibit “1” hereto; and an approximate 5,275 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-081-08

That portion of Parcel 1 of Parcel Map No. 14184, in the City of Ontario, County of San Bernardino, State of California as per map filed in Book 165, Pages 92 and 93 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline of Holt Boulevard and Corona Avenue as shown on said Parcel Map;

thence along said centerline of Holt Boulevard South 89°36'25" West 729.48 feet to the southerly prolongation of the easterly line of said Parcel 1;

thence along said southerly prolongation North 00°20'14" West 60.00 feet to the southeasterly corner of said Parcel 1;

thence along the southerly line of said Parcel 1 South 89°36'25" West 10.41 feet to the **True Point of Beginning**;

thence continuing along said southerly line South 89°36'25" West 55.68 feet to a non-tangent curve concave northwesterly having a radius of 8.00 feet, a radial line to said curve bears South 41°52'58" East;

thence leaving said southerly line northeasterly 2.83 feet along said curve through a central angle of 20°18'00";

thence North 89°36'06" East 10.89 feet;

thence South 12°40'30" West 0.51 feet;

thence North 89°36'06" East 42.43 feet to a non-tangent curve concave northeasterly having a radius of 13.33 feet, a radial line to said curve bears South 70°52'04" West;

thence southeasterly 1.86 feet along said curve through a central angle of 08°00'00" to the **True Point of Beginning**.

Parcel contains 99 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

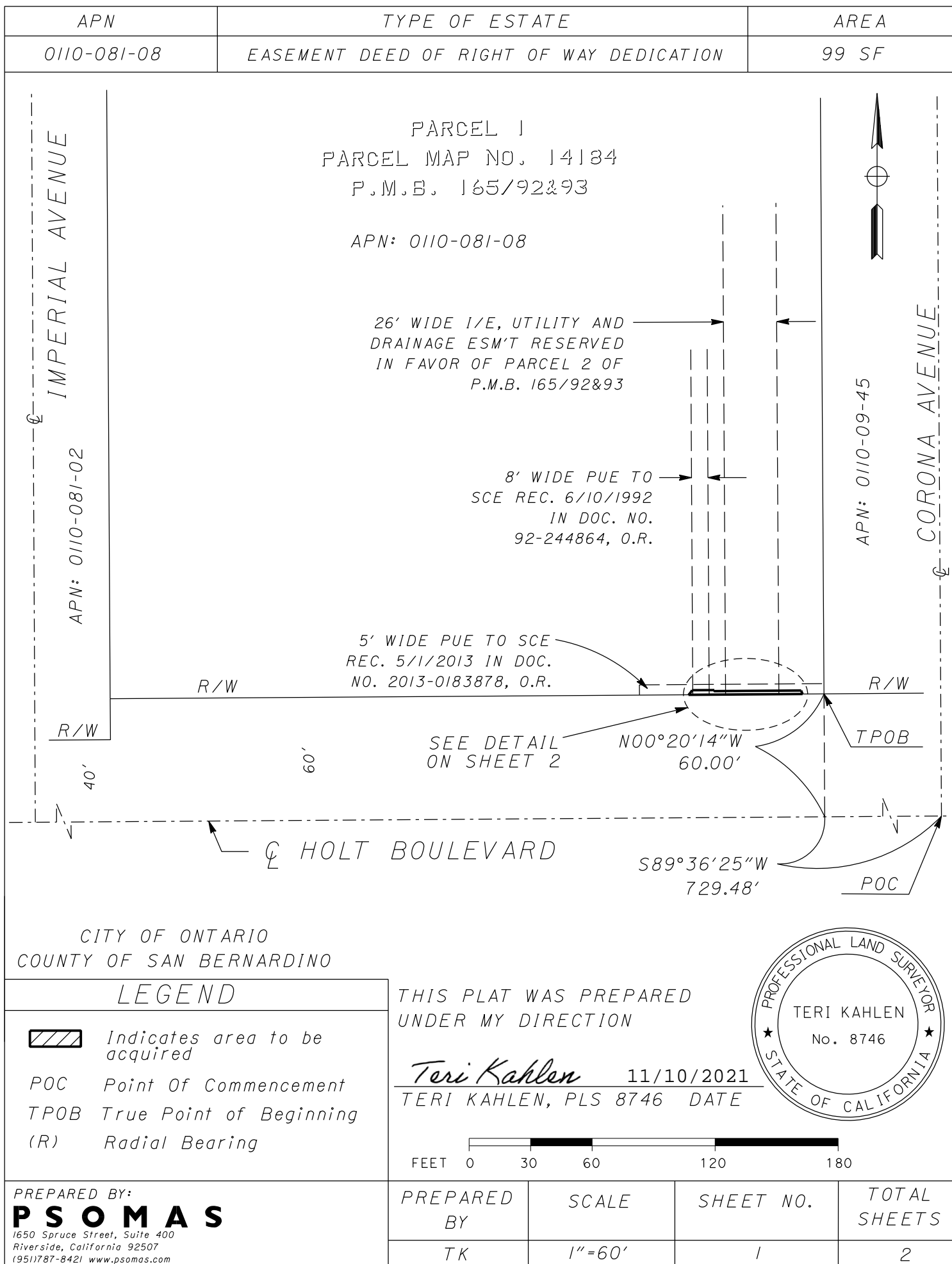
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 11/10/2021



EXHIBIT B



LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED UNDER MY DIRECTION

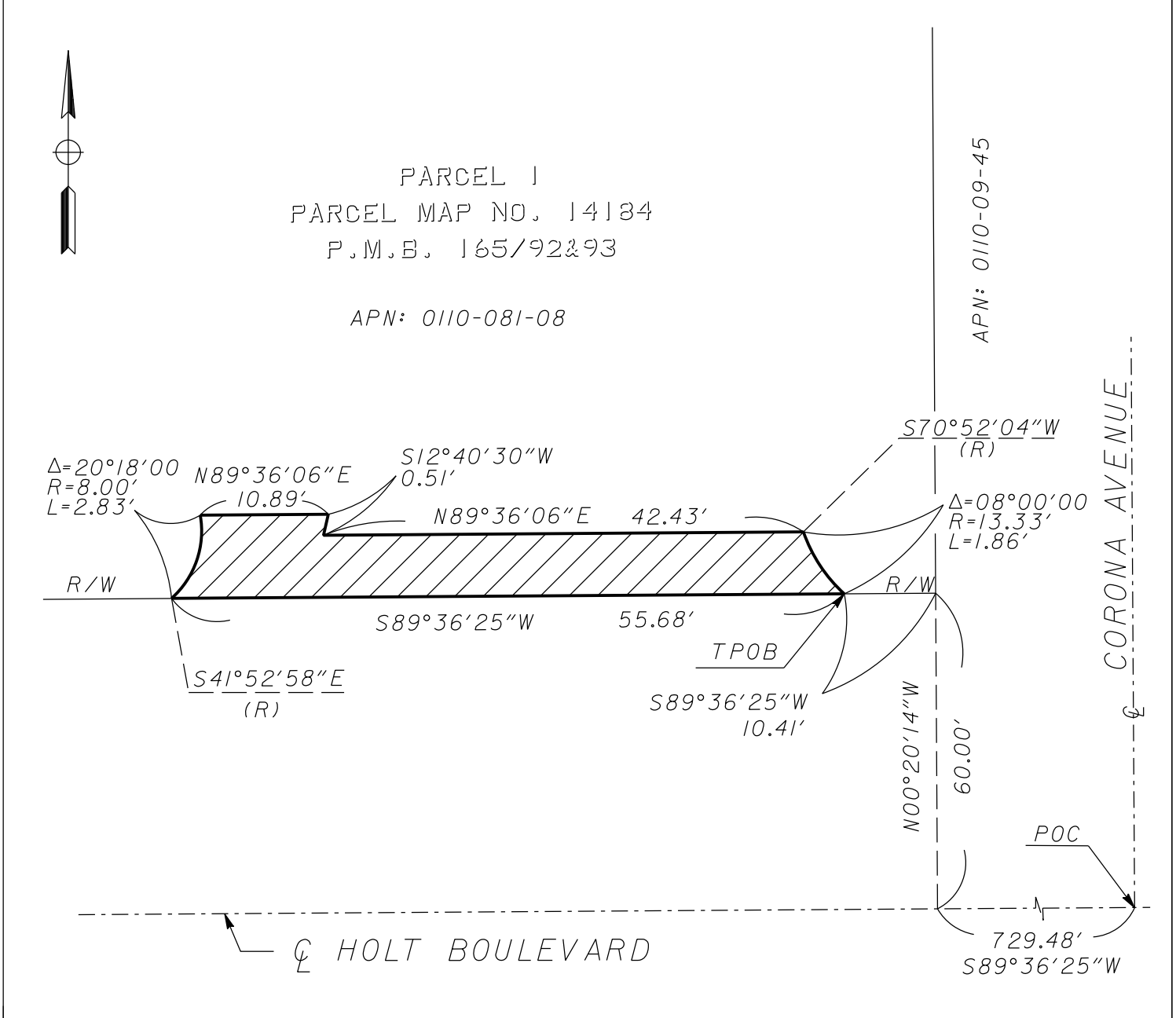
Teri Kahlen 11/10/2021

TERI KAHLEN, PLS 8746 DATE

FEET 0 30 60 120 180

EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-081-08	EASEMENT DEED OF RIGHT OF WAY DEDICATION	99 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

NOT TO SCALE

PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED BY

TK

SCALE

N.T.S.

SHEET NO.

2

TOTAL SHEETS

2

Map Check Report

Project: WVC - OC
 Alignment: 0110-081-08 ROW Esmt
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65613)		1845755.58	6678015.27	0.00
	S 89°36'25" W	55.68			
BC (	65620)		1845755.20	6677959.59	0.00
	Radius:	8.00			
	Delta:	20°18'00"			
	Length:	2.83			
	Chord:	2.82			
	Tangent:	1.43			
	Middle Ordinate:	0.13			
	External:	0.13			
	S 41°52'58" E (Radial)				
CC (	65619)		1845761.16	6677954.25	0.00
	N 37°58'02" E (Chord)				
	S 62°10'58" E (Radial)				
EC (	65618)		1845757.42	6677961.33	0.00
	N 89°36'06" E	10.89			
PI (	65617)		1845757.50	6677972.22	0.00
	S 12°40'30" W	0.51			
PI (	65616)		1845757.00	6677972.11	0.00
	N 89°36'06" E	42.43			
BC (	65614)		1845757.29	6678014.54	0.00
	Radius:	13.33			
	Delta:	8°00'00"			
	Length:	1.86			
	Chord:	1.86			
	Tangent:	0.93			
	Middle Ordinate:	0.03			
	External:	0.03			
	S 70°52'04" W (Radial)				
CC (	65615)		1845761.66	6678027.14	0.00
	S 23°07'56" E (Chord)				
	S 62°52'04" W (Radial)				
EC (	65613)		1845755.58	6678015.27	0.00

Northing Error: 0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: S 58°19'00" E
 Closing Distance: 0.01 ft
 Closed Area: 98.86 sq ft (0.00 ac)
 Perimeter: 114.21 ft
 Precision: 15473.26

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-081-08

That portion of Parcel 1 of Parcel Map No. 14184, in the City of Ontario, County of San Bernardino, State of California as per map filed in Book 165, Pages 92 and 93 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline of Holt Boulevard and Corona Avenue as shown on said Parcel Map;

thence along said centerline of Holt Boulevard South 89°36'25" West 729.48 feet to the southerly prolongation of the easterly line of said Parcel 1;

thence along said southerly prolongation North 00°20'14" West 60.00 feet to the southeasterly corner of said Parcel 1 and the **True Point of Beginning**;

thence along said easterly line North 00°20'14" West 6.72 feet;

thence leaving said easterly line South 89°36'06" West 12.44 feet;

thence North 14°27'06" West 14.61 feet;

thence North 03°11'34" West 5.83 feet;

thence South 89°36'06" West 36.63 feet;

thence South 12°40'30" West 12.03 feet;

thence South 89°36'06" West 91.49 feet;

thence North 58°23'25" West 12.33 feet;

thence South 89°36'06" West 5.48 feet;

thence South 55°43'57" West 11.73 feet;

thence South 88°22'45" West 117.76 feet;

thence North 01°37'15" West 2.50 feet;

thence South 88°22'45" West 46.41 feet;

thence South 01°37'15" East 9.00 feet;

thence South 88°22'45" West 11.46 feet to the westerly line of said Parcel 1;

thence along said westerly line South 00°19'52" East 4.72 feet to the southwesterly corner of said Parcel 1;

thence along the southerly line of said Parcel 1 North 89°36'25" East 282.14 feet to a non-tangent curve concave northwesterly having a radius of 8.00 feet, a radial line to said curve bears South 41°52'58" East;

thence leaving said southerly line and northeasterly 2.83 feet along said curve through a central angle of 20°18'00";

thence North 89°36'06" East 10.89 feet;

thence South 12°40'30" West 0.51 feet;

thence North 89°36'06" East 42.43 feet to a non-tangent curve concave northeasterly having a radius of 13.33 feet, a radial line to said curve bears South 70°52'04" West;

thence southeasterly 1.86 feet along said curve through a central angle of 08°00'00" to said southerly line;

thence along said southerly line North 89°36'25" East 10.41 feet to the **True Point of Beginning**.

Parcel contains 5,275 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

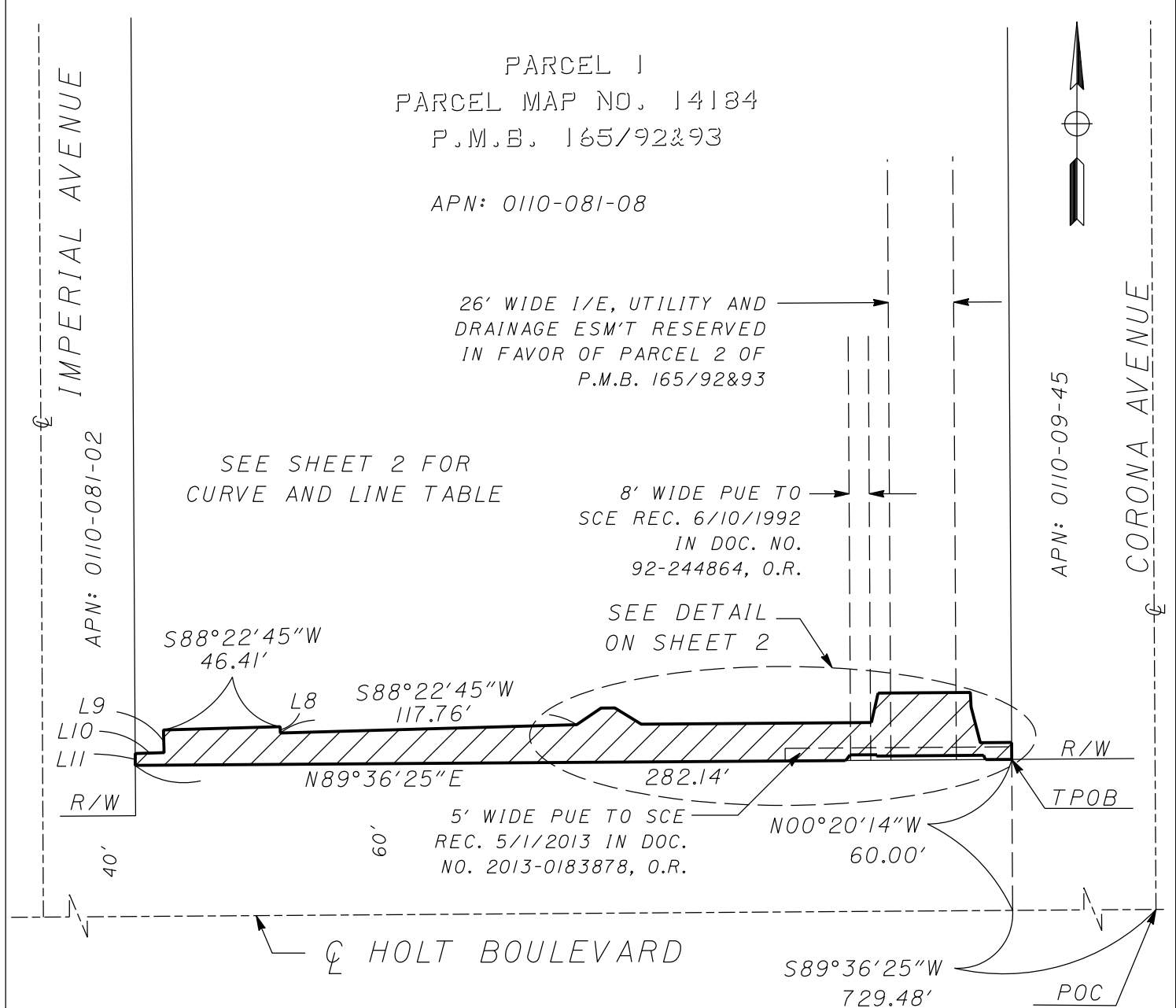
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-081-08	TEMPORARY CONSTRUCTION EASEMENT	5,275 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

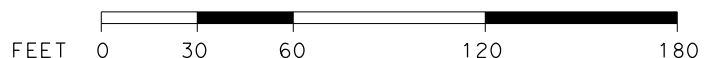
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/14/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

1"=60'

SHEET NO.

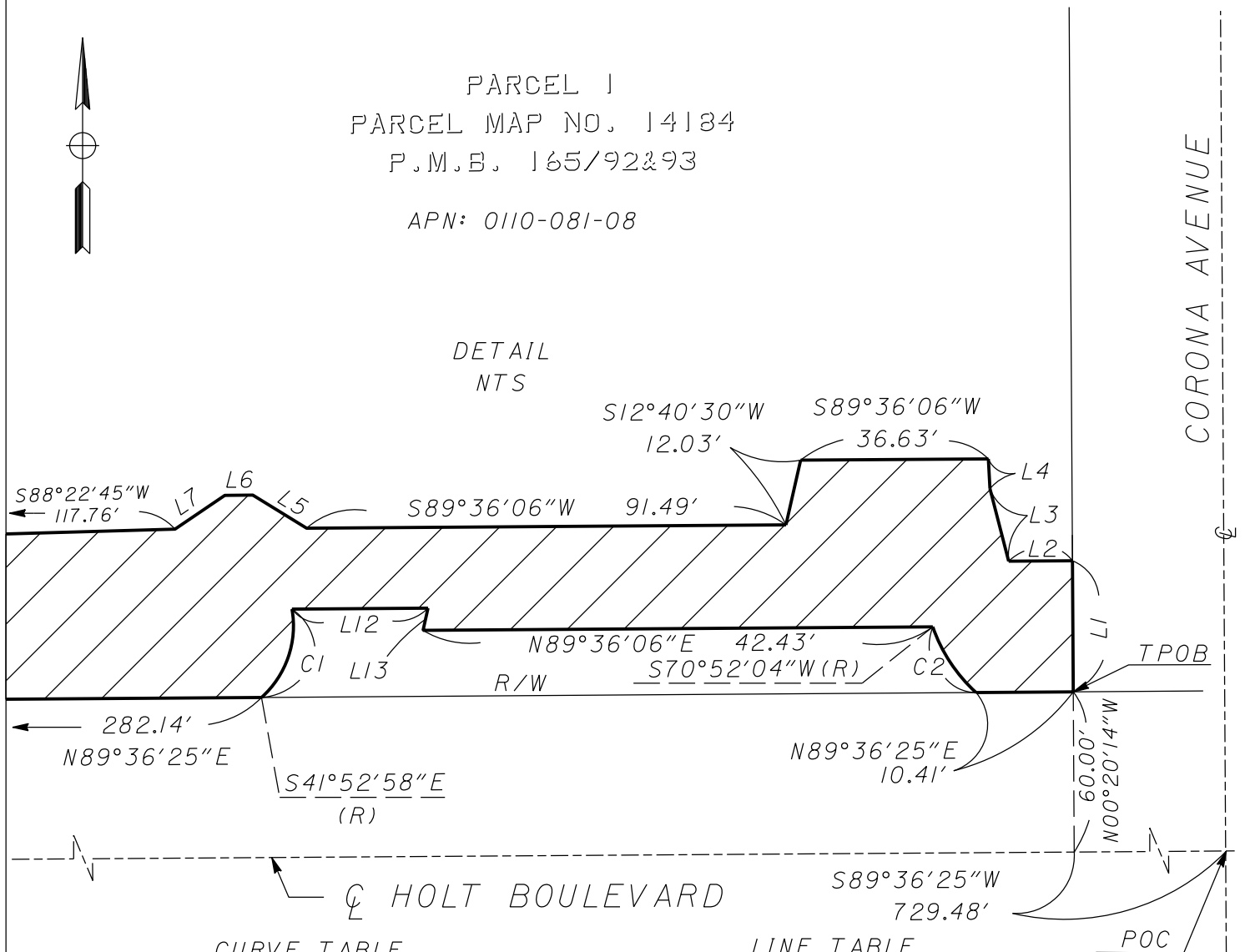
1

TOTAL
SHEETS

2

EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-081-08	TEMPORARY CONSTRUCTION EASEMENT	5,275 SF



CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
C1	20°18'00"	8.00'	2.83'
C2	08°00'00"	13.33'	1.86'

LINE TABLE

NO.	BEARING	DISTANCE
L1	N00°20'14"W	6.72'
L2	S89°36'06"W	12.44'
L3	N14°27'06"W	14.61'
L4	N03°11'34"W	5.83'
L5	N58°23'25"W	12.33'
L6	S89°36'06"W	5.48'
L7	S55°43'57"W	11.73'
L8	N01°37'15"W	2.50'
L9	S01°37'15"E	9.00'
L10	S88°22'45"W	11.46'
L11	S00°19'52"E	4.72'
L12	N89°36'06"E	10.89'
L13	S12°40'30"W	0.51'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED BY

TK

SCALE

N.T.S.

SHEET NO.

2

TOTAL SHEETS

2

Map Check Report

Project: WVC - OC
 Alignment: 0110-081-08 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85276)		1845755.65	6678025.69	0.00
	N 0°20'14" W	6.72			
PI (	65621)		1845762.37	6678025.65	0.00
	S 89°36'06" W	12.44			
PI (	65622)		1845762.28	6678013.21	0.00
	N 14°27'06" W	14.61			
PI (	65623)		1845776.43	6678009.56	0.00
	N 3°11'34" W	5.83			
PI (	65624)		1845782.26	6678009.24	0.00
	S 89°36'06" W	36.63			
PI (	65625)		1845782.00	6677972.61	0.00
	S 12°40'30" W	12.03			
PI (	65626)		1845770.27	6677969.97	0.00
	S 89°36'06" W	91.49			
PI (	85293)		1845769.63	6677878.48	0.00
	N 58°23'25" W	12.33			
PI (	85292)		1845776.09	6677867.98	0.00
	S 89°36'06" W	5.48			
PI (	85291)		1845776.06	6677862.50	0.00
	S 55°43'57" W	11.73			
PI (	85290)		1845769.45	6677852.81	0.00
	S 88°22'45" W	117.76			
PI (	85289)		1845766.12	6677735.09	0.00
	N 1°37'15" W	2.50			
PI (	85288)		1845768.62	6677735.02	0.00
	S 88°22'45" W	46.41			
PI (	85287)		1845767.31	6677688.64	0.00
	S 1°37'15" E	9.00			
PI (	85286)		1845758.31	6677688.89	0.00
	S 88°22'45" W	11.46			
PI (	85285)		1845757.99	6677677.43	0.00
	S 0°19'52" E	4.72			
PI (	85284)		1845753.27	6677677.46	0.00
	N 89°36'25" E	282.14			
BC (	65620)		1845755.20	6677959.59	0.00
	Radius:	8.00			
	Delta:	20°18'00"			
	Length:	2.83			
	Chord:	2.82			
	Tangent:	1.43			
	Middle Ordinate:	0.13			
	External:	0.13			
	S 41°52'58" E (Radial)				
CC (	65619)		1845761.16	6677954.25	0.00
	N 37°58'02" E (Chord)				
	S 62°10'58" E (Radial)				
EC (	65618)		1845757.42	6677961.33	0.00
	N 89°36'06" E	10.89			
PI (	65617)		1845757.50	6677972.22	0.00
	S 12°40'30" W	0.51			
PI (	65616)		1845757.00	6677972.11	0.00
	N 89°36'06" E	42.43			
BC (	65614)		1845757.29	6678014.54	0.00
	Radius:	13.33			

Delta:	8°00'00"			
Length:	1.86			
Chord:	1.86			
Tangent:	0.93			
Middle Ordinate:	0.03			
External:	0.03			
S 70°52'04" W (Radial)				
CC (65615)		1845761.66	6678027.14	0.00
S 23°07'56" E (Chord)				
S 62°52'04" W (Radial)				
EC (65613)		1845755.58	6678015.27	0.00
N 89°36'25" E	10.41			
POE (85276)		1845755.65	6678025.69	0.00

Northing Error: 0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: S 81°54'11" E
 Closing Distance: 0.01 ft
 Closed Area: 5274.71 sq ft (0.12 ac)
 Perimeter: 752.23 ft
 Precision: 52716.38

RESOLUTION OF NECESSITY No. 22-032

**HOLT LPIV 3 LLC, A DELAWARE LIMITED
LIABILITY COMPANY
PROPERTY**

**(APN 0110-111-02, 0110-111-03, 0110-
111-11 & 0110-111-12)**

RESOLUTION NO. 22-032

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 0110-111-02, 0110-111-03, 0110-111-11 & 0110-111-12

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the West Valley Connector Project (the "Project"); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 1630 - 1650 East Holt Boulevard in the City of Ontario, California (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,860 square foot permanent easement from APN 0110-111-02 & 03, legally described and depicted in Exhibit "1" hereto; an approximate 910 square foot permanent easement from APN 0110-111-11, legally described and depicted in Exhibit "2" hereto; an approximate 881 square foot permanent easement from APN 0110-111-12, legally described and depicted in Exhibit "3" hereto; an approximate 3,494 square foot temporary construction easement, with a term of twenty-four months from APN 0110-111-02 & 03, legally described and depicted in Exhibit "4" hereto; an approximate 1,820 square foot temporary construction easement, with a term of twenty-four months from APN 0110-111-11, legally described and depicted in Exhibit "5" hereto; and an approximate 1,796 square foot temporary

construction easement, with a term of twenty-four months from APN 0110-111-12, legally described and depicted in Exhibit “6” hereto; (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA’s Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA’s Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA’s notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and

around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "6" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and
- (d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-111-02 & 03

Those portions of Lots 51 and 52 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 1 of Lot Line Adjustment No. LLA 19-020 recorded October 26, 2020 as Document No. 2020-0410691 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Record of Survey 99-0117 filed in Book 113, Page 90 of Records of Survey in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 1,466.68 feet to the northerly prolongation of the easterly line of said Parcel 1;

thence along said northerly prolongation South 00°23'37" East 40.00 feet to the **True Point of Beginning**;

thence continuing along said easterly line South 00°23'37" East 6.63 feet;

thence leaving said easterly line South 89°36'06" West 248.59 feet;

thence South 88°27'22" West 30.00 feet to the westerly line of said Parcel 1;

thence along said westerly line North 00°25'35" West 7.26 feet to the northerly line of said Parcel 1;

thence along said northerly line North 89°36'25" East 278.58 feet to the **True Point of Beginning**.

Parcel contains 1,860 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

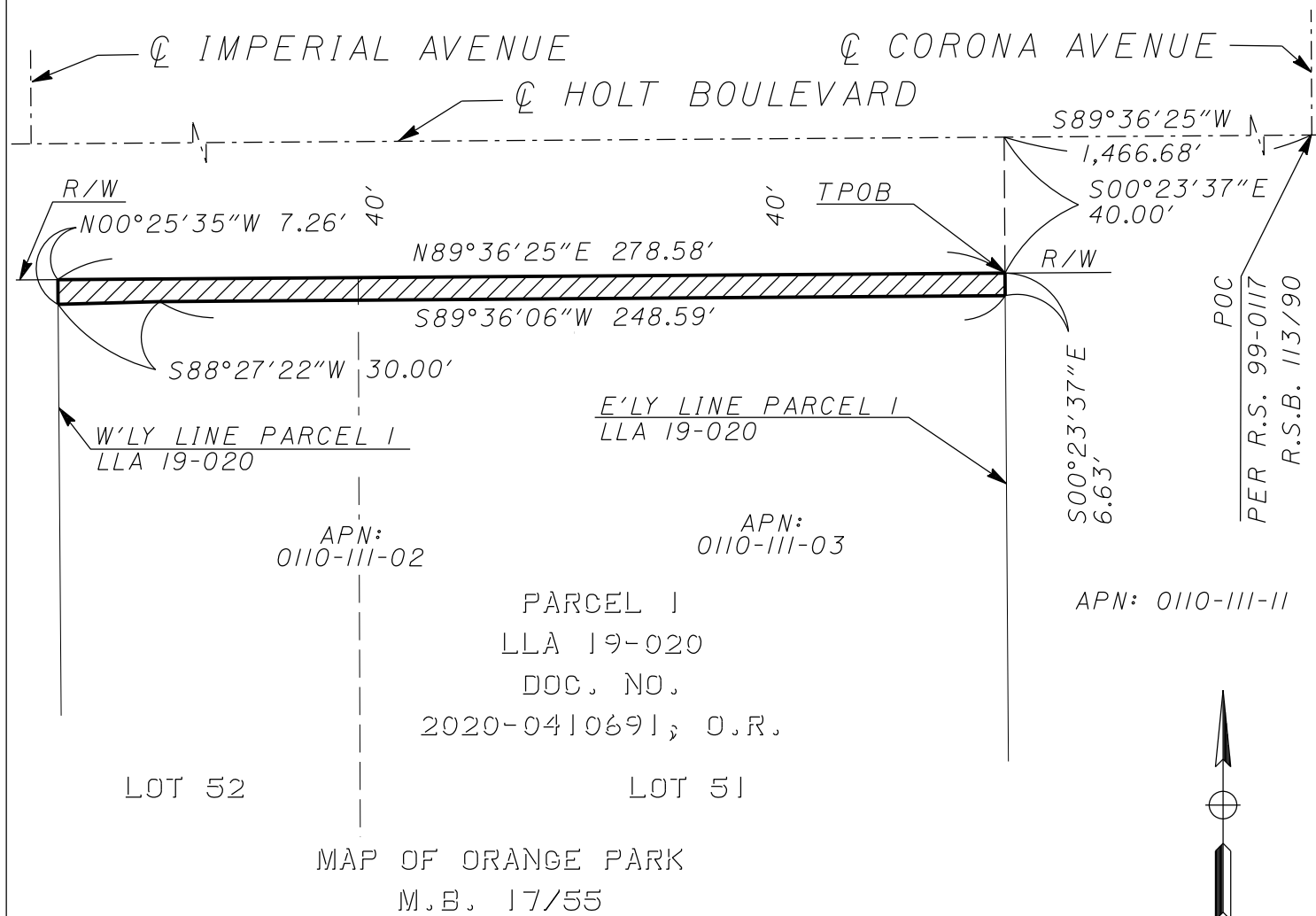
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-02	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,860 SF
0110-III-03		



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

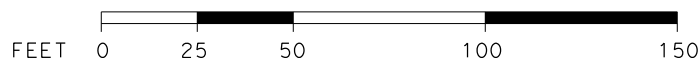
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/14/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

SP

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-111-02_03 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85339)		1845650.60	6677289.13	0.00
	S 0°23'37" E	6.63			
PI (	85338)		1845643.97	6677289.18	0.00
	S 89°36'06" W	248.59			
PI (	65432)		1845642.24	6677040.59	0.00
	S 88°27'22" W	30.00			
PI (	65433)		1845641.43	6677010.61	0.00
	N 0°25'35" W	7.26			
PI (	65431)		1845648.69	6677010.55	0.00
	N 89°36'25" E	278.58			
POE (	85339)		1845650.60	6677289.13	0.00

Northing Error: 0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: S 61°00'22" E
 Closing Distance: 0.01 ft
 Closed Area: 1860.15 sq ft (0.04 ac)
 Perimeter: 571.06 ft
 Precision: 61376.88

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-111-11

Those portions of Lot 50 and 51 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 2 of Lot Line Adjustment No. LLA 19-020 recorded October 26, 2020 as Document No. 2020-0410691 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Record of Survey 99-0117 filed in Book 113, Page 90 of Records of Survey in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 1,466.68 feet to the northerly prolongation of the westerly line of said Parcel 2;

thence leaving said centerline along said northerly prolongation South 00°23'37" East 40.00 feet to the northwesterly corner of said Parcel 2 and the **True Point of Beginning**;

thence along said westerly line South 00°23'37" East 6.63 feet;

thence leaving said westerly line North 89°36'06" East 137.37 feet to the easterly line of Parcel 1 as described by Grant Deed recorded July 30, 2019 as Document No. 2019-0257202 of said Official Records;

thence along said easterly line North 00°12'35" West 6.62 feet to the northerly line of said Parcel 2;

thence along said northerly line South 89°36'25" West 137.39 feet to the **True Point of Beginning**.

Containing 910 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

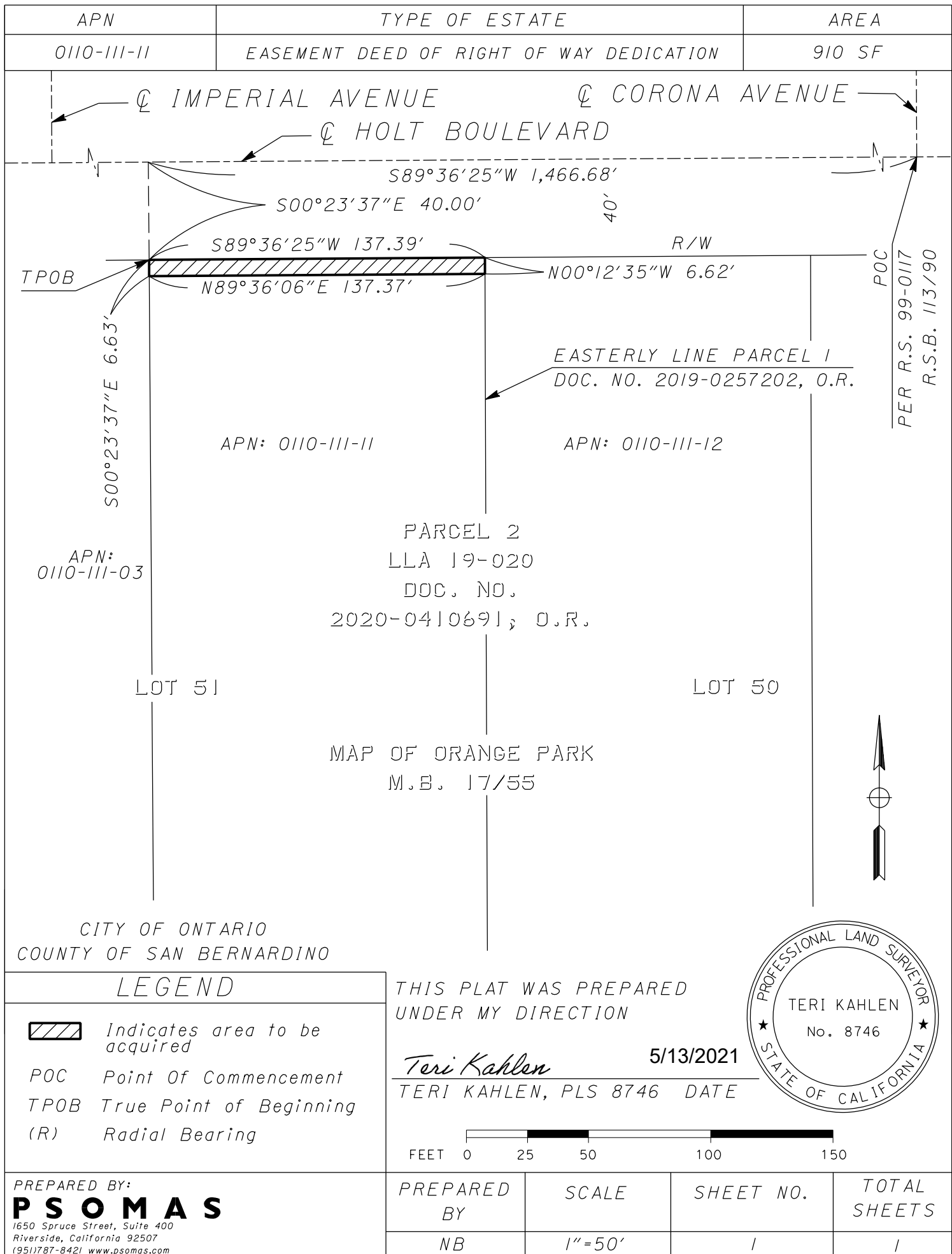
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/13/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0110-111-11 ROW Esmt
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85339)		1845650.598	6677289.130	0.000
	S 0°23'37" E	6.63			
POT (	85338)		1845643.966	6677289.176	0.000
	N 89°36'06" E	137.37			
POT (	85337)		1845644.920	6677426.543	0.000
	N 0°12'35" W	6.62			
POT (	85336)		1845651.541	6677426.519	0.000
	S 89°36'25" W	137.39			
POT (	85339)		1845650.598	6677289.130	0.000

Northing Error: 0.003 ft
 Easting Error: 0.001 ft
 Closing Direction: S 25°02'42" W
 Closing Distance: 0.003 ft
 Closed Area: 910.4 sq ft (0.0 ac)
 Perimeter: 288.016 ft
 Precision: 99274.111

EXHIBIT “3”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-111-12

Those portions of Lot 50 and 51 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 2 of Lot Line Adjustment No. LLA 19-020 recorded October 26, 2020 as Document No. 2020-0410691 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Record of Survey 99-0117 filed in Book 113, Page 90 of Records of Survey in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}36'25''$ West 1,195.91 feet to the northerly prolongation of the easterly line of said Parcel 2;

thence leaving said centerline along said northerly prolongation South $00^{\circ}12'35''$ East 40.00 feet to the northeasterly corner of said Parcel 2 and the **True Point of Beginning**;

thence along said easterly line South $00^{\circ}12'35''$ East 6.61 feet;

thence leaving said easterly line South $89^{\circ}36'06''$ West 133.24 feet to the westerly line of Parcel 2 as described by Grant Deed recorded July 30, 2019 as Document No. 2019-0257202 of said Official Records;

thence along said westerly line North $00^{\circ}12'35''$ West 6.62 feet to the northerly line of Parcel 2 of said Lot Line Adjustment LLA 19-020;

thence along said northerly line North $89^{\circ}36'25''$ East 133.24 feet to the **True Point of Beginning**.

Containing 881 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

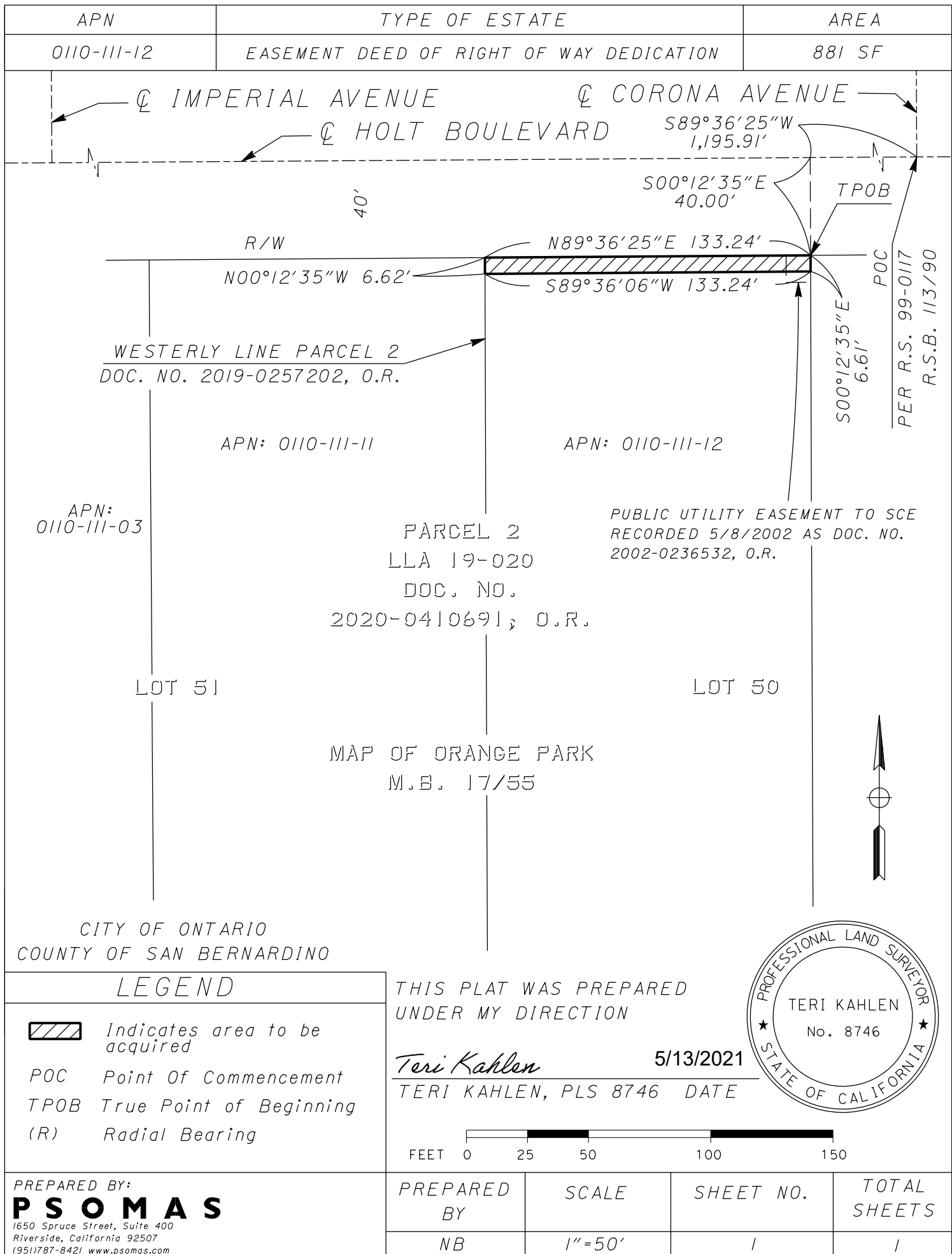
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/13/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0110-111-12 ROW Esmt
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85300)		1845652.455	6677559.759	0.000
	S 0°12'35" E	6.61			
POT (	85299)		1845645.846	6677559.783	0.000
	S 89°36'06" W	133.24			
POT (	85337)		1845644.920	6677426.543	0.000
	N 0°12'35" W	6.62			
POT (	85336)		1845651.541	6677426.519	0.000
	N 89°36'25" E	133.24			
POT (	85300)		1845652.455	6677559.759	0.000

Northing Error: -0.002 ft
 Easting Error: 0.000 ft
 Closing Direction: N 1°12'49" W
 Closing Distance: 0.002 ft
 Closed Area: 881.3 sq ft (0.0 ac)
 Perimeter: 279.715 ft
 Precision: 123023.356

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-02 & 03

Those portions of Lots 51 and 52 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 1 of Lot Line Adjustment No. LLA 19-020 recorded October 26, 2020 as Document No. 2020-0410691 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Record of Survey 99-0117 filed in Book 113, Page 90 of Records of Survey in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 1,466.68 feet to the northerly prolongation of the easterly line of said Parcel 1;

thence along said northerly prolongation and said easterly line South 00°23'37" East 46.63 feet to the **True Point of Beginning**;

thence leaving said easterly line South 89°36'06" West 248.59 feet;

thence South 88°27'22" West 30.00 feet to the westerly line of said Parcel 1;

thence along said westerly line South 00°25'35" East 10.00 feet;

thence leaving said westerly line North 88°27'22" East 18.35 feet;

thence South 00°27'45" East 24.77 feet;

thence North 89°36'06" East 40.00 feet;

thence North 00°27'53" West 25.00 feet;

thence North 89°36'06" East 93.42 feet;

thence North 00°22'24" West 3.00 feet;

thence North 89°36'06" East 37.88 feet;

thence South 00°23'54" East 6.00 feet;

thence North 89°36'06" East 15.00 feet;

thence North 00°23'54" West 6.00 feet;

thence North 89°36'06" East 73.93 feet to said easterly line;

thence along said easterly line North 00°23'37" West 7.00 feet to the **True Point of Beginning**.

Parcel contains 3,494 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

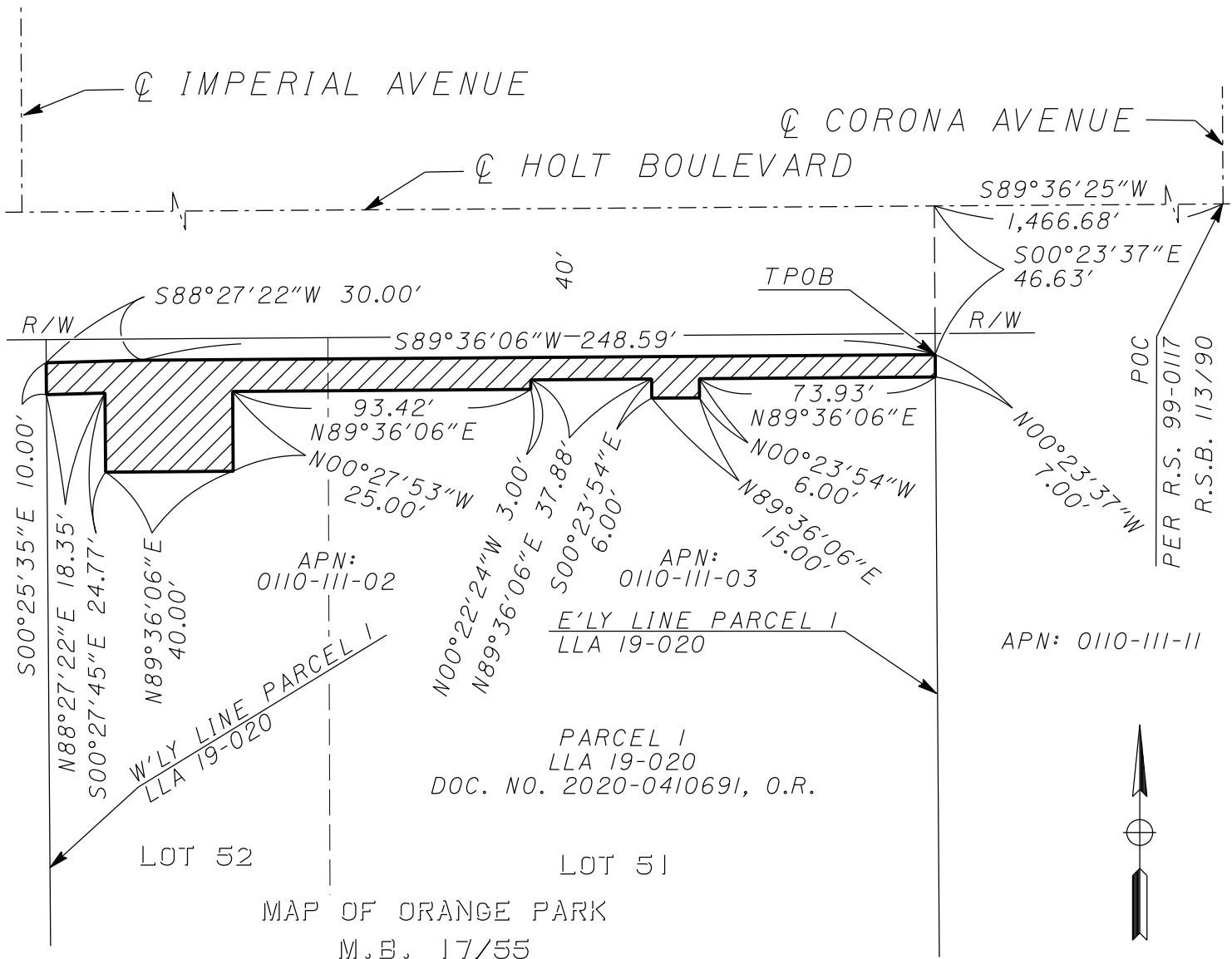
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/10/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-02	TEMPORARY CONSTRUCTION EASEMENT	3,494 SF
0110-III-03		



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

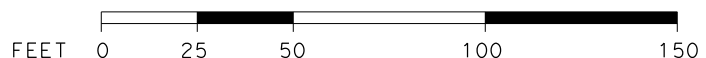


Indicates area to be acquired

POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 8/10/2021
TERI KAHLEN, PLS 8746 DATE



PREPARED BY:
PSOMAS
1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
SP	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 0110-111-02_03 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85338)		1845643.966	6677289.176	0.000
	S 89°36'06" W	248.59			
POT (	65432)		1845642.238	6677040.592	0.000
	S 88°27'22" W	30.00			
POT (	65433)		1845641.430	6677010.606	0.000
	S 0°25'35" E	10.00			
POT (	65434)		1845631.428	6677010.680	0.000
	N 88°27'22" E	18.35			
POT (	85763)		1845631.922	6677029.020	0.000
	S 0°27'45" E	24.77			
POT (	85762)		1845607.158	6677029.220	0.000
	N 89°36'06" E	40.00			
POT (	85761)		1845607.436	6677069.221	0.000
	N 0°27'53" W	25.00			
POT (	85760)		1845632.435	6677069.018	0.000
	N 89°36'06" E	93.42			
POT (	65436)		1845633.084	6677162.437	0.000
	N 0°22'24" W	3.00			
POT (	65377)		1845636.084	6677162.417	0.000
	N 89°36'06" E	37.88			
POT (	85768)		1845636.348	6677200.293	0.000
	S 0°23'54" E	6.00			
POT (	85767)		1845630.348	6677200.335	0.000
	N 89°36'06" E	15.00			
POT (	85766)		1845630.452	6677215.335	0.000
	N 0°23'54" W	6.00			
POT (	85765)		1845636.452	6677215.293	0.000
	N 89°36'06" E	73.93			
POT (	85764)		1845636.966	6677289.224	0.000
	N 0°23'37" W	7.00			
POT (	85338)		1845643.966	6677289.176	0.000

Northing Error: -0.003 ft
 Easting Error: -0.002 ft
 Closing Direction: N 35°36'42" E
 Closing Distance: 0.004 ft
 Closed Area: 3494.0 sq ft (0.1 ac)
 Perimeter: 638.933 ft
 Precision: 177511.059

EXHIBIT “5”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-11

Those portions of Lot 50 and 51 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 2 of Lot Line Adjustment No. LLA 19-020 recorded October 26, 2020 as Document No. 2020-0410691 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Record of Survey 99-0117 filed in Book 113, Page 90 of Records of Survey in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}36'25''$ West 1,466.68 feet to the northerly prolongation of the westerly line of said Parcel 2;

thence leaving said centerline along said northerly prolongation and said westerly line South $00^{\circ}23'37''$ East 46.63 feet to the **True Point of Beginning**;

thence leaving said westerly line North $89^{\circ}36'06''$ East 137.37 feet to the easterly line of Parcel 1 as described by Grant Deed recorded July 30, 2019 as Document No. 2019-0257202 of said Official Records;

thence along said easterly line South $00^{\circ}12'35''$ East 10.00 feet;

thence leaving said easterly line South $89^{\circ}36'06''$ West 64.05 feet;

thence South $00^{\circ}23'54''$ East 8.00 feet;

thence South $89^{\circ}36'06''$ West 55.79 feet;

thence North $00^{\circ}23'06''$ West 8.00 feet;

thence South $89^{\circ}36'06''$ West 17.50 feet to said westerly line;

thence along said westerly line North $00^{\circ}23'37''$ West 10.00 feet to the **True Point of Beginning**.

Containing 1,820 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

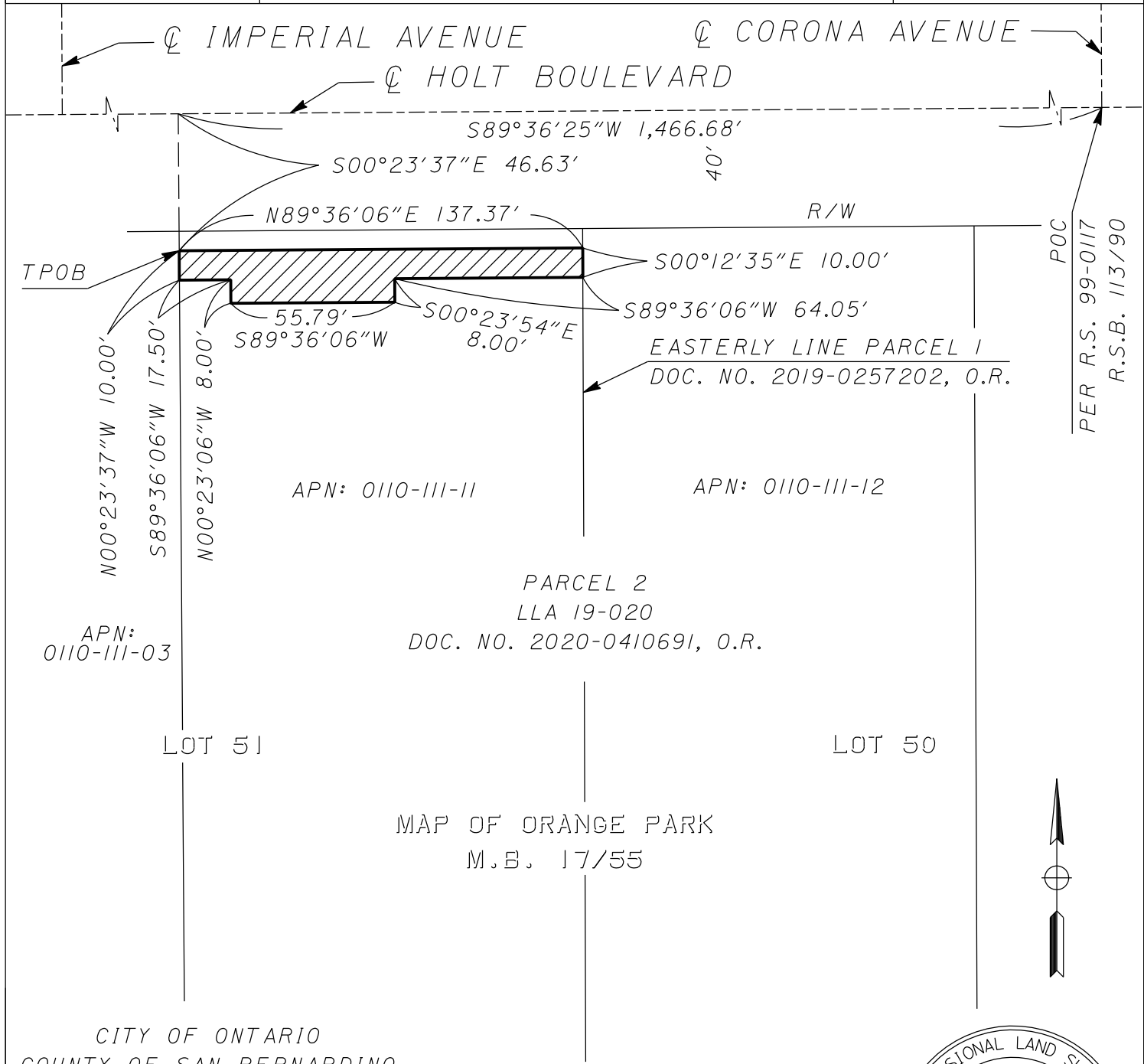
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/10/2021



EXHIBIT B

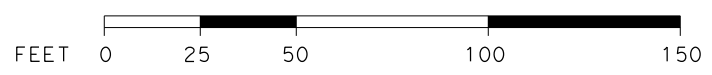
APN	TYPE OF ESTATE	AREA
0110-III-II	TEMPORARY CONSTRUCTION EASEMENT	1,820 SF



LEGEND	
	Indicates area to be acquired
POC	Point Of Commencement
TPOB	True Point of Beginning
(R)	Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 8/10/2021
TERI KAHLEN, PLS 8746 DATE



PREPARED BY: PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 (951)787-8421 www.psomas.com	PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
	NB	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 0110-111-11 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85338)		1845643.966	6677289.176	0.000
	N 89°36'06" E	137.37			
POT (	85337)		1845644.920	6677426.543	0.000
	S 0°12'35" E	10.00			
POT (	85343)		1845634.920	6677426.580	0.000
	S 89°36'06" W	64.05			
POT (	85773)		1845634.475	6677362.527	0.000
	S 0°23'54" E	8.00			
POT (	85772)		1845626.475	6677362.583	0.000
	S 89°36'06" W	55.79			
POT (	85771)		1845626.088	6677306.795	0.000
	N 0°23'06" W	8.00			
POT (	85770)		1845634.087	6677306.741	0.000
	S 89°36'06" W	17.50			
POT (	85769)		1845633.966	6677289.245	0.000
	N 0°23'37" W	10.00			
POT (	85338)		1845643.966	6677289.176	0.000

Northing Error: 0.000 ft
 Easting Error: -0.000 ft
 Closing Direction: S 77°21'42" E
 Closing Distance: 0.000 ft
 Closed Area: 1819.9 sq ft (0.0 ac)
 Perimeter: 310.711 ft
 Precision: 1299581.691

EXHIBIT “6”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-12

Those portions of Lot 50 and 51 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 2 of Lot Line Adjustment No. LLA 19-020 recorded October 26, 2020 as Document No. 2020-0410691 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Record of Survey 99-0117 filed in Book 113, Page 90 of Records of Survey in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 1,195.91 feet to the northerly prolongation of the easterly line of said Parcel 2;

thence leaving said centerline along said northerly prolongation and said easterly line South 00°12'35" East 46.61 feet to the **True Point of Beginning**;

thence leaving said easterly line South 89°36'06" West 133.24 feet to the westerly line of Parcel 2 as described by Grant Deed recorded July 30, 2019 as Document No. 2019-0257202 of said Official Records;

thence along said westerly line South 00°12'35" East 8.00 feet;

thence leaving said westerly line North 89°36'06" East 12.38 feet;

thence South 00°23'54" East 10.00 feet;

thence North 89°36'06" East 16.00 feet;

thence North 00°23'54" West 10.00 feet;

thence North 89°36'06" East 59.83 feet;

thence South 00°23'54" East 12.00 feet;

thence North 89°36'06" East 38.99 feet;

thence South 00°23'54" East 5.00 feet;

thence North 89°36'06" East 5.98 feet to said easterly line;

thence along said easterly line North 00°12'35" West 25.00 feet to the **True Point of Beginning**.

Containing 1,796 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

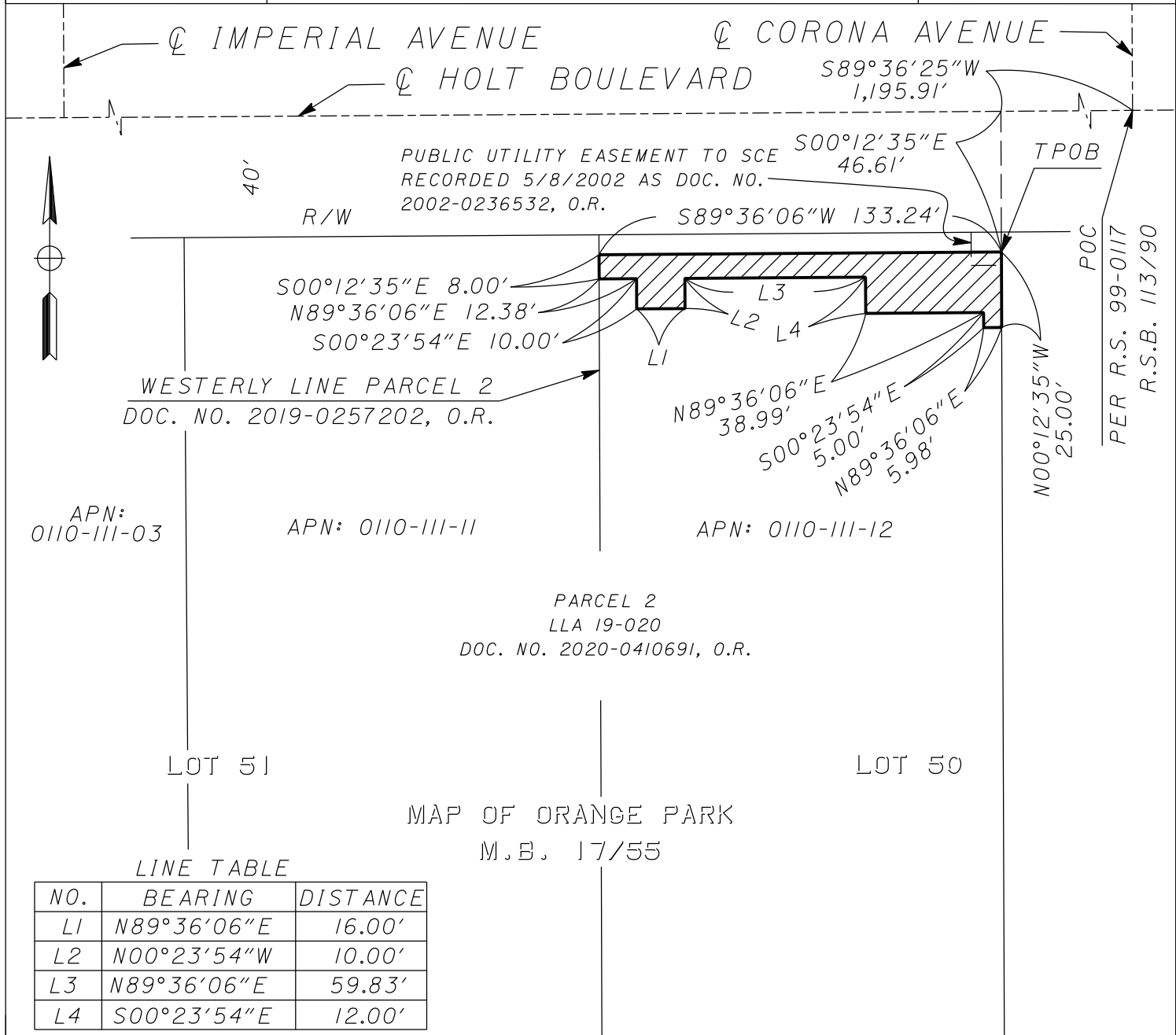
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/10/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-12	TEMPORARY CONSTRUCTION EASEMENT	1,796 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

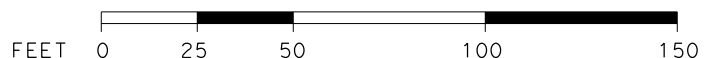
POC Point Of Commencement
 TPOB True Point of Beginning
 (R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

8/10/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
 Riverside, California 92507
 (951)787-8421 www.psomas.com

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-111-12 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85299)		1845645.846	6677559.783	0.000
	S 89°36'06" W	133.24			
POT (	85337)		1845644.920	6677426.543	0.000
	S 0°12'35" E	8.00			
POT (	85344)		1845636.920	6677426.573	0.000
	N 89°36'06" E	12.38			
POT (	85774)		1845637.006	6677438.957	0.000
	S 0°23'54" E	10.00			
POT (	85775)		1845627.007	6677439.027	0.000
	N 89°36'06" E	16.00			
POT (	85776)		1845627.118	6677455.027	0.000
	N 0°23'54" W	10.00			
POT (	85777)		1845637.118	6677454.957	0.000
	N 89°36'06" E	59.83			
POT (	85345)		1845637.533	6677514.784	0.000
	S 0°23'54" E	12.00			
POT (	85346)		1845625.534	6677514.867	0.000
	N 89°36'06" E	38.99			
POT (	85347)		1845625.805	6677553.857	0.000
	S 0°23'54" E	5.00			
POT (	85348)		1845620.805	6677553.892	0.000
	N 89°36'06" E	5.98			
POT (	85301)		1845620.846	6677559.875	0.000
	N 0°12'35" W	25.00			
POT (	85299)		1845645.846	6677559.783	0.000

Northing Error: -0.000 ft
 Easting Error: -0.004 ft
 Closing Direction: N 88°17'42" E
 Closing Distance: 0.004 ft
 Closed Area: 1796.0 sq ft (0.0 ac)
 Perimeter: 336.430 ft
 Precision: 83290.628

RESOLUTION OF NECESSITY No. 22-034

**MUHAMMAD & IQBAL TREMAZI
PROPERTY**

(APN 1049-131-06)

RESOLUTION NO. 22-034

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-131-06

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 936 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,721 square foot permanent easement, legally described and depicted in Exhibit “1” hereto; and an approximate 3,013 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed for Right of Way Dedication

APN: 1049-131-06

That northerly 17.20 feet of Lot 10 of the Bon View Tract in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County.

Containing 1,721 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

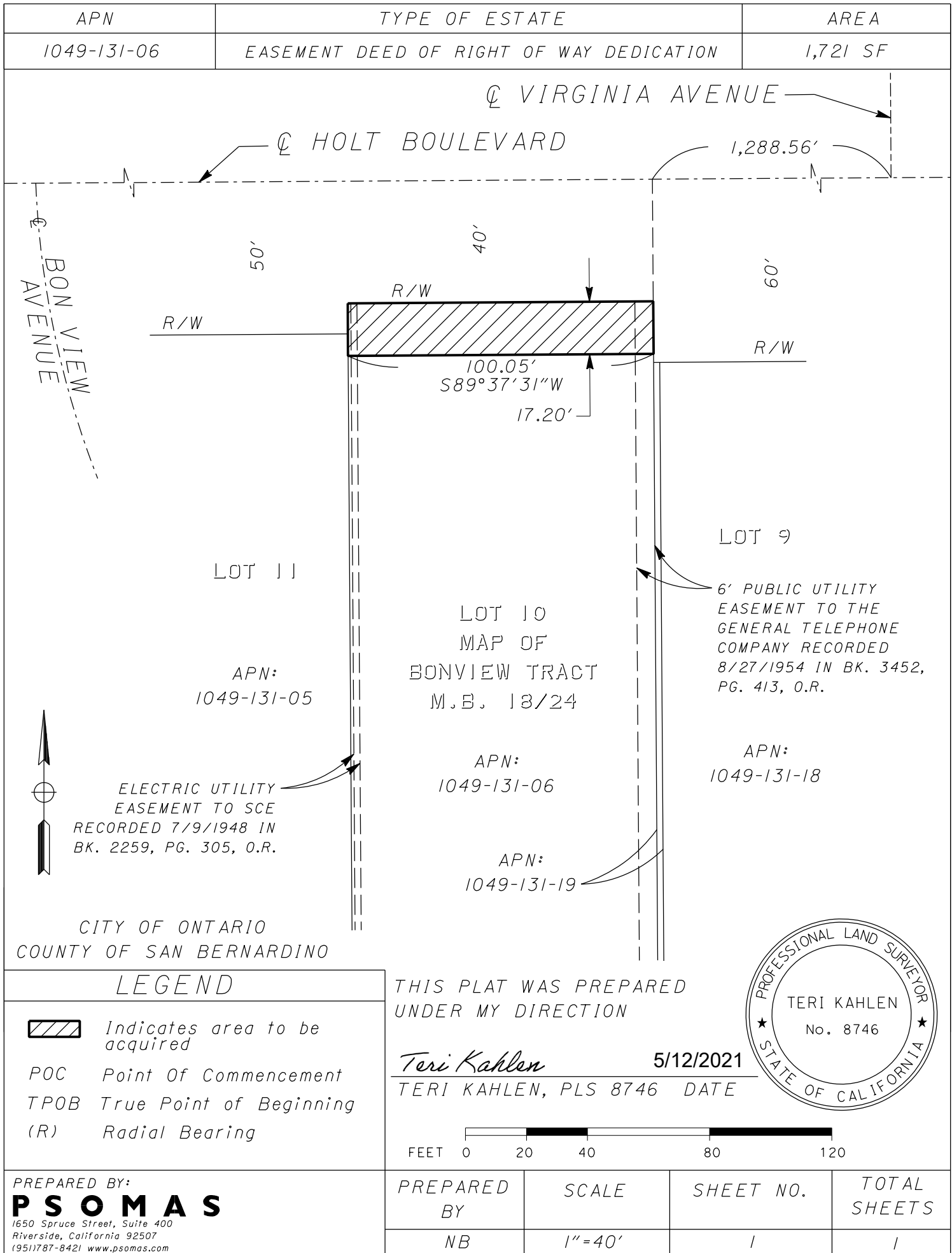
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/12/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-131-06 ROW Esmt Area
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85267)		1845598.766	6672199.063	0.000
	S 89°37'31" W	100.05			
POT (	85268)		1845598.112	6672099.016	0.000
	N 0°24'01" W	17.20			
POT (	85269)		1845615.309	6672098.896	0.000
	N 89°37'31" E	100.05			
POT (	85266)		1845615.963	6672198.943	0.000
	S 0°24'01" E	17.20			
POT (	85267)		1845598.766	6672199.063	0.000

Northing Error: 0.000 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°00'00" E
 Closing Distance: 0.000 ft
 Closed Area: 1720.6 sq ft (0.0 ac)
 Perimeter: 234.493 ft
 Precision: 1e.+41

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-131-06

That portion of Lot 10 of the Bon View Tract in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Virginia Avenue and Holt Boulevard, as shown on Parcel Map No. 9337 filed in Book 114, Pages 96 and 97 of Parcel Maps in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard South 89°37'31" West 1,288.56 feet to the northerly prolongation of the easterly line of said Lot 10;

thence leaving said centerline along said northerly prolongation and said easterly line South 00°24'01" East 57.20 feet to a line that is parallel with and 17.20 feet southerly of the northerly line of said Lot 10 and the **True Point of Beginning**;

thence leaving said easterly line along said parallel line South 89°37'31" West 100.05 feet to the westerly line of said Lot 10;

thence along said westerly line South 00°24'01" East 27.50 feet;

thence leaving said westerly line North 89°36'55" East 26.46 feet;

thence South 00°23'05" East 13.50 feet;

thence North 89°36'55" East 50.00 feet;

thence North 00°23'05" West 31.00 feet;

thence North 89°36'55" East 23.59 feet;

thence North 00°24'01" West 9.98 feet to the **True Point of Beginning**.

Containing 3,013 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

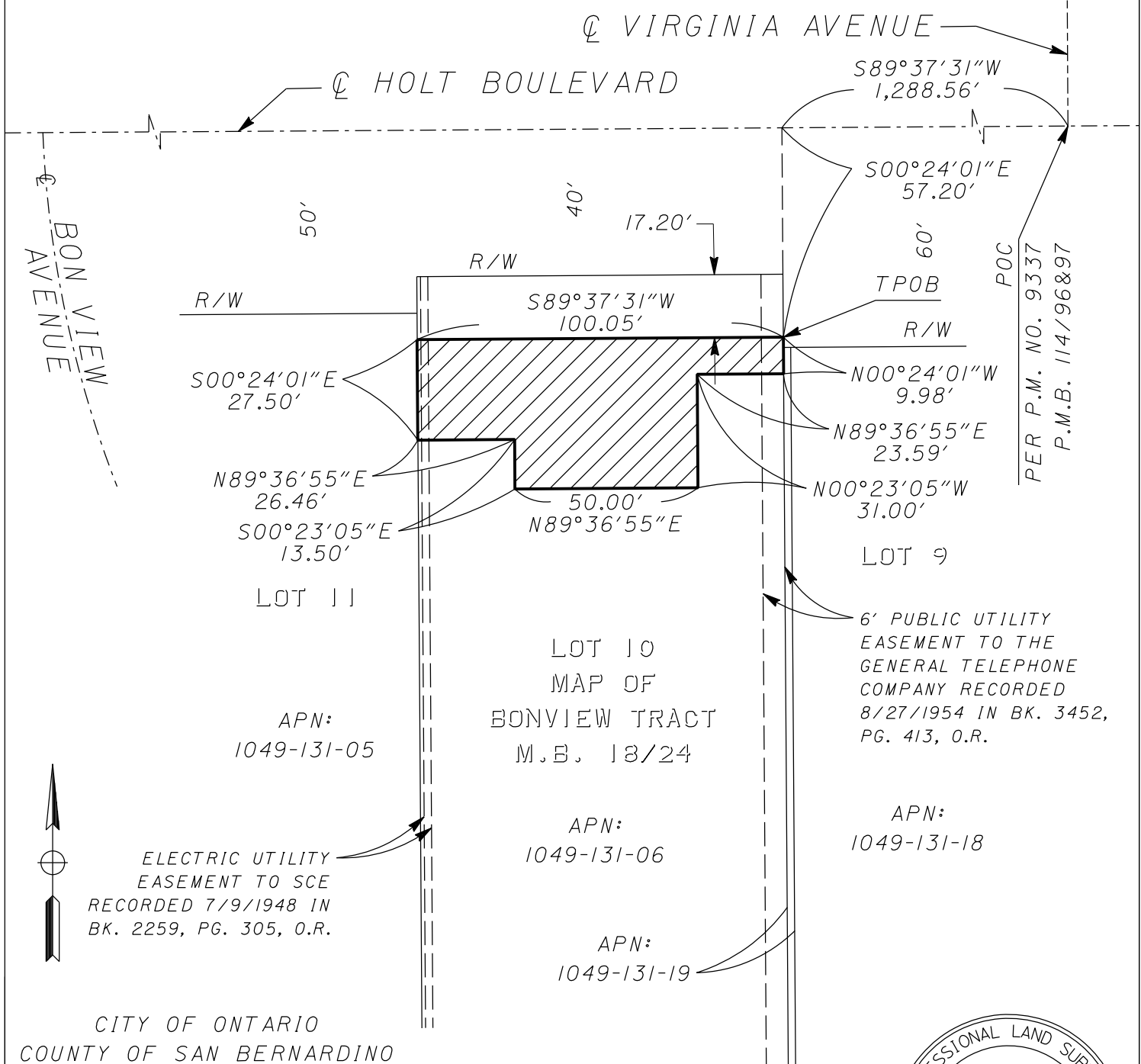
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/12/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-131-06	TEMPORARY CONSTRUCTION EASEMENT	3,013 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

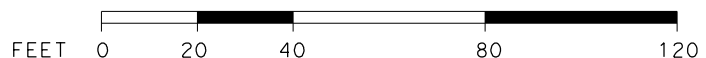
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/12/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

NB

SCALE

1"=40'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-06 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85267)		1845598.766	6672199.063	0.000
	S 89°37'31" W	100.05			
POT (	85268)		1845598.112	6672099.016	0.000
	S 0°24'01" E	27.50			
POT (	85270)		1845570.612	6672099.208	0.000
	N 89°36'55" E	26.46			
POT (	85271)		1845570.790	6672125.663	0.000
	S 0°23'05" E	13.50			
POT (	85272)		1845557.290	6672125.754	0.000
	N 89°36'55" E	50.00			
POT (	85273)		1845557.626	6672175.753	0.000
	N 0°23'05" W	31.00			
POT (	85274)		1845588.629	6672175.545	0.000
	N 89°36'55" E	23.59			
POT (	85334)		1845588.788	6672199.133	0.000
	N 0°24'01" W	9.98			
POT (	85267)		1845598.766	6672199.063	0.000

Northing Error: -0.003 ft
 Easting Error: 0.005 ft
 Closing Direction: N 62°18'55" W
 Closing Distance: 0.005 ft
 Closed Area: 3012.5 sq ft (0.1 ac)
 Perimeter: 282.076 ft
 Precision: 52310.783

RESOLUTION OF NECESSITY No. 22-035

**PATRICK F. GRABOWSKI & JANIS
GRABOWSKI, TRUSTEES OF THAT
CERTAIN REVOCABLE DECLARATION OF
TRUST, KNOWN AS THE 2012
GRABOWSKI REVOCABLE TRUST, DATED
JUNE 21, 2012
PROPERTY
(APNS 0110-072-10 & 0110-072-11)**

RESOLUTION NO. 22-035

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 0110-072-10 & 0110-072-11

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the West Valley Connector Project (the "Project"); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 1405 East Holt Boulevard in the City of Ontario, California (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 3,900 square foot permanent easement, legally described and depicted in Exhibit "1" hereto; and an approximate 3,658 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit "2" hereto (collectively the "Subject Property Interests"); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-072-10 & 0110-072-11

That portion of the South 370.00 feet of Lot 35, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue as shown on Parcel Map No. 159 filed in Book 2, Page 47 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}36'25''$ East 33.00 feet to the southerly prolongation of the westerly line of said Lot 35;

thence leaving said centerline along said southerly prolongation North $00^{\circ}18'02''$ West 40.00 feet to the southwest corner of said Lot 35 and the **True Point of Beginning**;

thence along said westerly line North $00^{\circ}18'02''$ West 22.99 feet;

thence leaving said westerly line South $44^{\circ}39'06''$ East 16.76 feet;

thence North $89^{\circ}36'06''$ East 336.51 feet to the easterly line of said Lot 35;

thence along said easterly line South $00^{\circ}18'24''$ East 11.01 feet to the southeasterly corner of said Lot 35;

thence along the southerly line of said Lot 35 South $89^{\circ}36'25''$ West 348.23 feet to the **True Point of Beginning**.

Containing 3,900 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

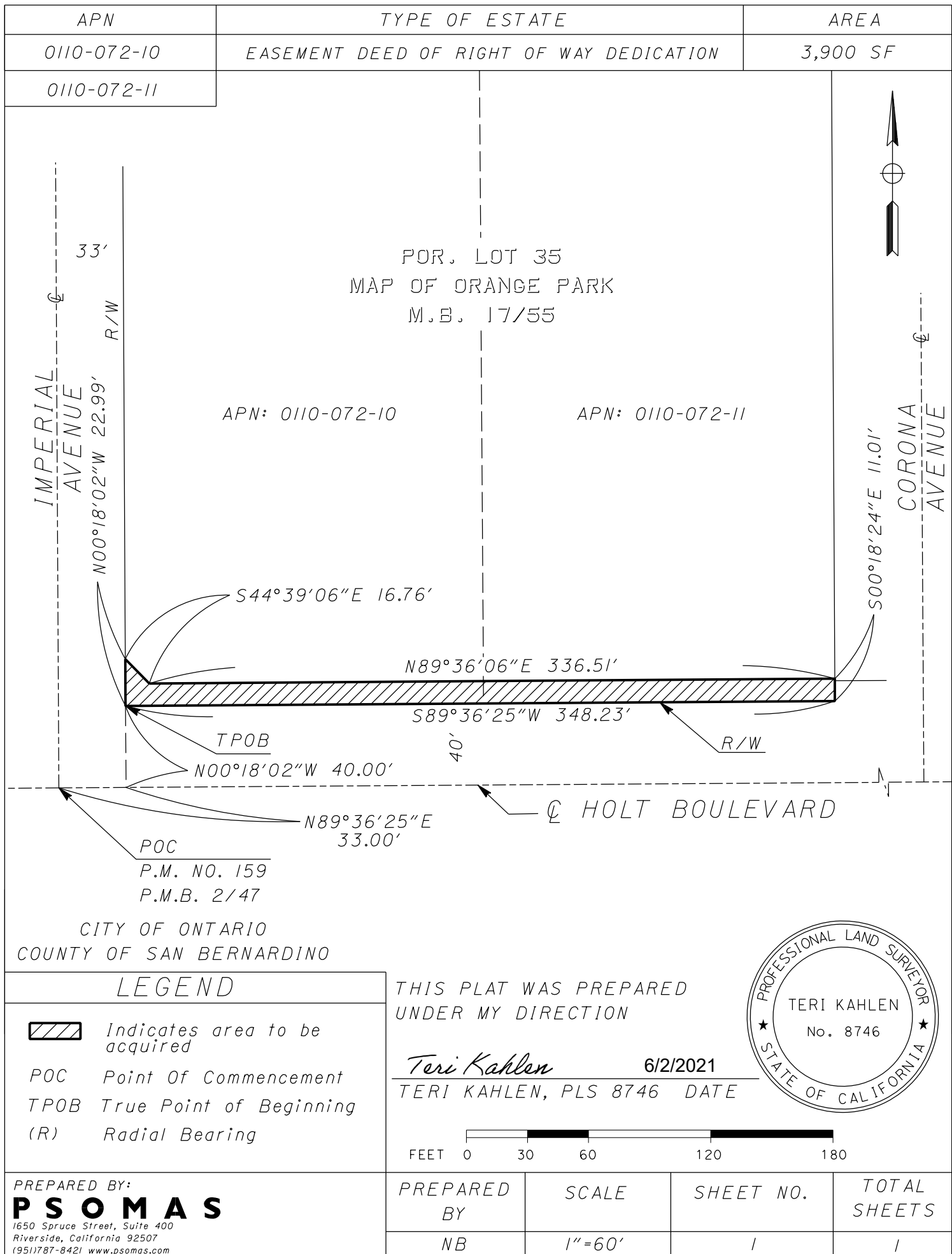
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/2/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0110-072-10 ROW Esmt
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85425)		1845721.318	6675936.442	0.000
	N 0°18'02" W	22.99			
POT (	85426)		1845744.306	6675936.322	0.000
	S 44°39'06" E	16.76			
POT (	85427)		1845732.380	6675948.103	0.000
	N 89°36'06" E	336.51			
POT (	65150)		1845734.719	6676284.610	0.000
	S 0°18'24" E	11.01			
POT (	85433)		1845723.707	6676284.669	0.000
	S 89°36'25" W	348.23			
POT (	85425)		1845721.318	6675936.442	0.000

Northing Error: 0.007 ft
 Easting Error: -0.003 ft
 Closing Direction: S 20°14'40" E
 Closing Distance: 0.008 ft
 Closed Area: 3899.7 sq ft (0.1 ac)
 Perimeter: 735.514 ft
 Precision: 92027.405

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-072-10 & 0110-072-11

That portion of the South 370.00 feet of Lot 35, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue as shown on Parcel Map No. 159 filed in Book 2, Page 47 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°36'25" East 33.00 feet to the southerly prolongation of the westerly line of said Lot 35;

thence leaving said centerline along said southerly prolongation and said westerly line North 00°18'02" West 62.99 feet to the **True Point of Beginning**;

thence leaving said westerly line South 44°39'06" East 16.76 feet;

thence North 89°36'06" East 336.51 feet to the easterly line of said Lot 35;

thence along said easterly line North 00°18'24" West 8.00 feet;

thence leaving said easterly line South 89°36'06" West 36.26 feet;

thence North 00°23'54" West 7.00 feet;

thence South 89°36'06" West 41.50 feet;

thence South 00°23'54" East 9.00 feet;

thence South 89°36'06" West 34.48 feet;

thence North 00°23'05" West 7.00 feet;

thence South 89°36'06" West 41.50 feet;

thence South 00°23'54" East 7.00 feet;

thence South 89°36'06" West 18.77 feet;

thence North 00°21'56" West 5.00 feet;

thence South 89°34'04" West 167.66 feet;

thence North 44°39'45" West 11.53 feet to said westerly line;

thence along said westerly line South 00°18'02" East 7.15 feet to the **True Point of Beginning**.

Containing 3,658 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

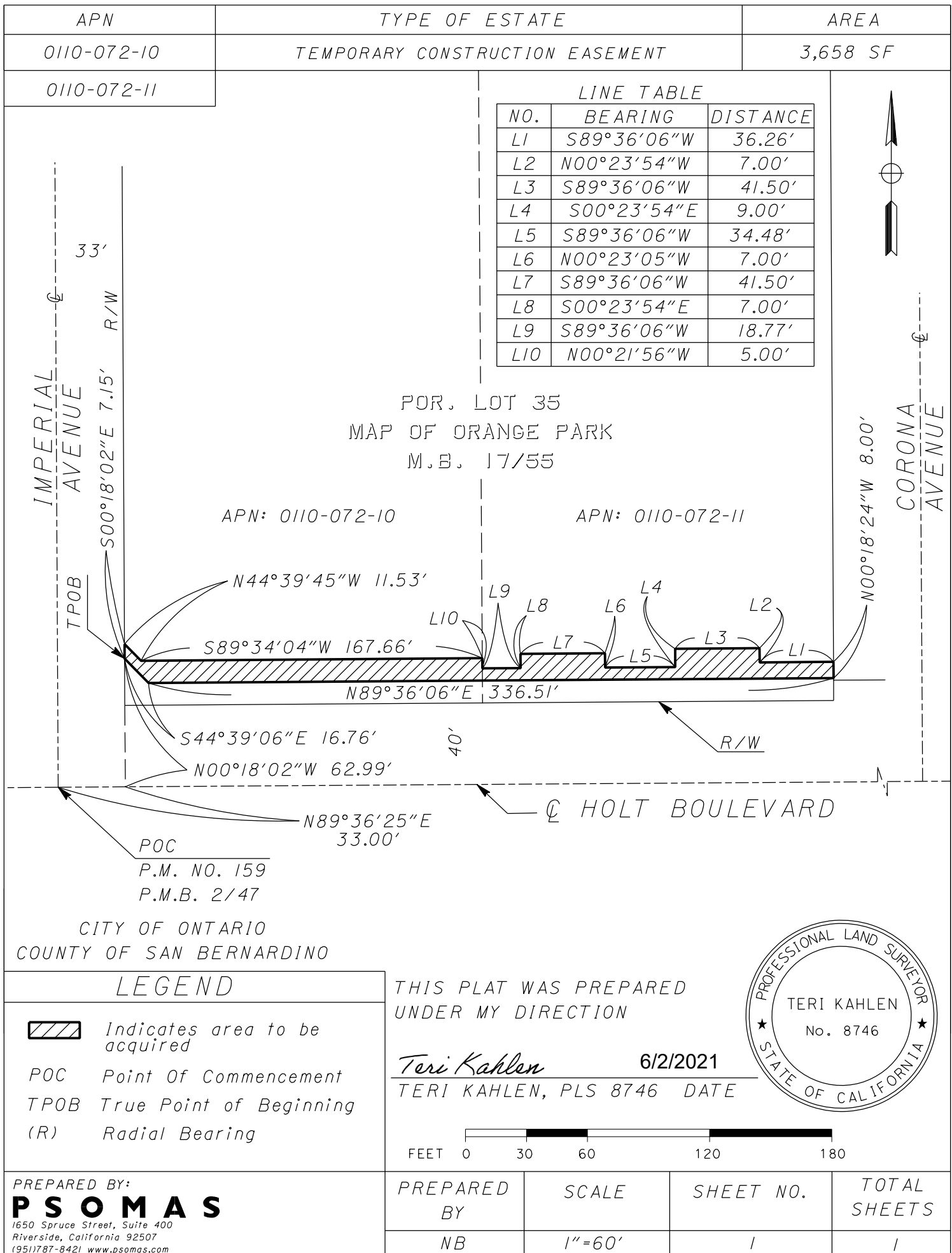
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/2/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0110-072-10 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85426) S 44°39'06" E	16.76	1845744.306	6675936.322	0.000
POT (	85427) N 89°36'06" E	336.51	1845732.380	6675948.103	0.000
POT (	65150) N 0°18'24" W	8.00	1845734.719	6676284.610	0.000
POT (	65151) S 89°36'06" W	36.26	1845742.719	6676284.567	0.000
POT (	85442) N 0°23'54" W	7.00	1845742.467	6676248.308	0.000
POT (	85441) S 89°36'06" W	41.50	1845749.467	6676248.260	0.000
POT (	85440) S 0°23'54" E	9.00	1845749.178	6676206.760	0.000
POT (	85439) S 89°36'06" W	34.48	1845740.178	6676206.823	0.000
POT (	85438) N 0°23'05" W	7.00	1845739.939	6676172.348	0.000
POT (	85437) S 89°36'06" W	41.50	1845746.939	6676172.301	0.000
POT (	85436) S 0°23'54" E	7.00	1845746.650	6676130.799	0.000
POT (	85435) S 89°36'06" W	18.77	1845739.650	6676130.847	0.000
POT (	85434) N 0°21'56" W	5.00	1845739.520	6676112.074	0.000
POT (	85430) S 89°34'04" W	167.66	1845744.520	6676112.042	0.000
POT (	85431) N 44°39'45" W	11.53	1845743.255	6675944.389	0.000
POT (	85432) S 0°18'02" E	7.15	1845751.455	6675936.284	0.000
POT (	85426)		1845744.306	6675936.322	0.000

Northing Error: 0.003 ft
 Easting Error: -0.007 ft
 Closing Direction: S 64°35'10" E
 Closing Distance: 0.007 ft
 Closed Area: 3658.3 sq ft (0.1 ac)
 Perimeter: 755.129 ft
 Precision: 100717.296

RESOLUTION OF NECESSITY No. 22-036
HOLT BLVD. LLC, A CALIFORNIA LIMITED
LIABILITY COMPANY
PROPERTY
(APN 0110-081-13)

RESOLUTION NO. 22-036

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 0110-081-13

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 1625 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 321 square foot temporary construction easement, with a term of twenty-four months, and an approximate 344 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “1” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-081-13

That portion of Lot 39 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 2 as shown on Lot Line Adjustment No. LLA 19-018 recorded October 5, 2020 as Document No. 2020-0378289 of Official Records in the office of said County Recorder, described as follows:

Parcel A

Beginning at the intersection of the easterly line of said Parcel 2 with a line that is parallel with and 60.00 feet northerly of the centerline of Holt Boulevard as shown on said LLA 19-018;

thence along said parallel line South 89°36'25" West 52.05 feet;

thence leaving said parallel line North 01°37'15" West 5.61 feet;

thence North 88°22'45" East 52.19 feet to the easterly line of said Parcel 2;

thence along said easterly line South 00°19'52" East 6.72 feet to the **Point of Beginning**.

Parcel A contains 321 square feet, more or less.

Parcel B

Beginning at the intersection of the westerly line of said Parcel 2 with a line that is parallel with and 60.00 feet northerly of the centerline of Holt Boulevard as shown on said LLA 19-018;

thence along said westerly line North 00°19'30" West 6.10 feet;

thence leaving said westerly line North 89°36'06" East 56.34 feet;

thence South 00°23'54" East 6.11 feet to said parallel line;

thence along said parallel line South 89°36'25" West 56.34 feet to the **Point of Beginning**.

Parcel B contains 344 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

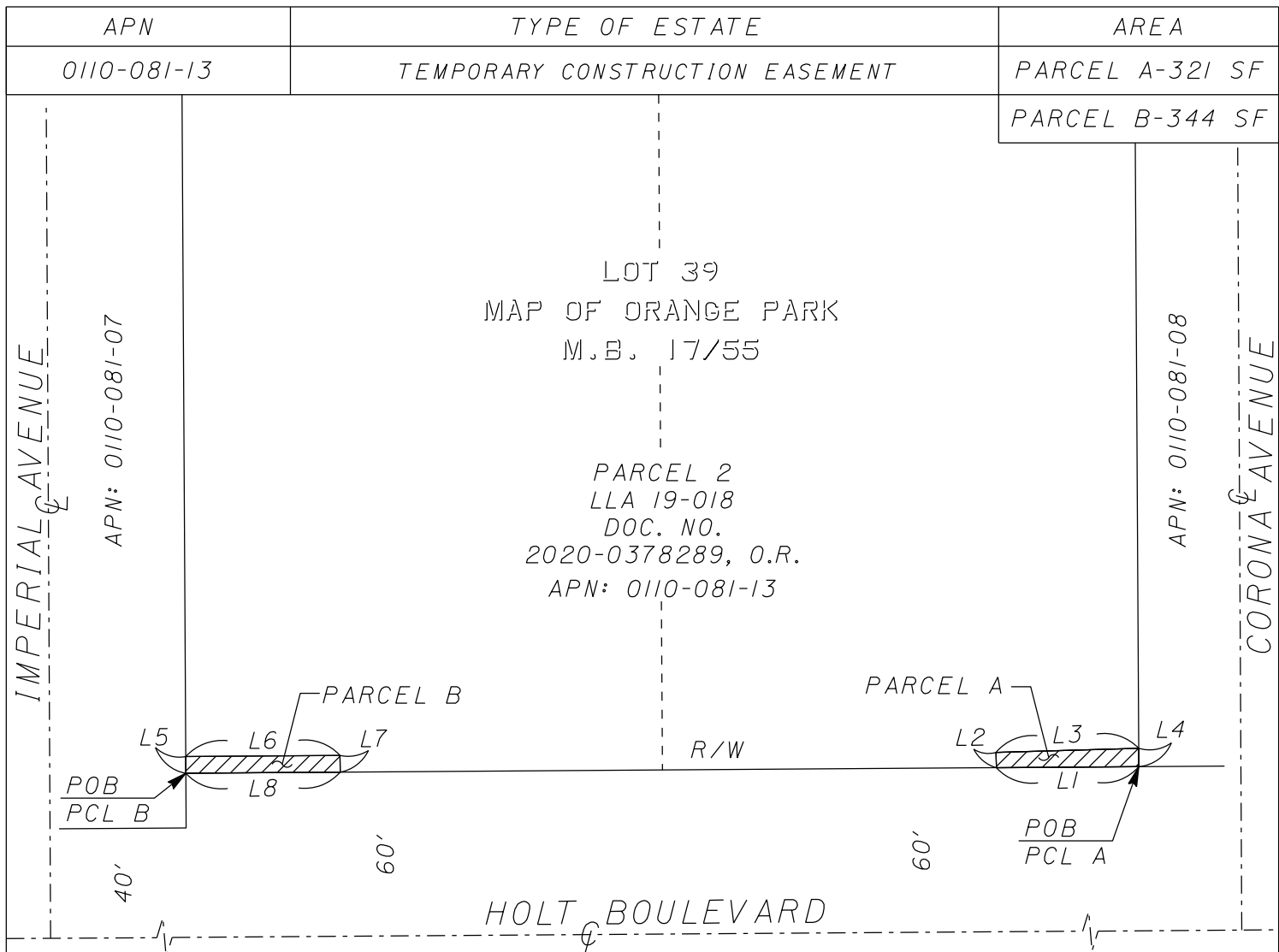
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/30/2021



EXHIBIT B



LINE TABLE

NO.	BEARING	DISTANCE
L1	S89°36'25"W	52.05'
L2	N01°37'15"W	5.61'
L3	N88°22'45"E	52.19'
L4	S00°19'52"E	6.72'

NO.	BEARING	DISTANCE
L5	N00°19'30"W	6.10'
L6	N89°36'06"E	56.34'
L7	S00°23'54"E	6.11'
L8	S89°36'25"W	56.34'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

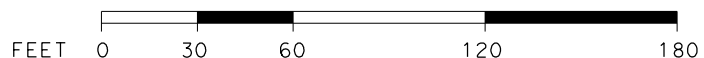
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

8/30/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

AU

SCALE

1"=60'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-081-13 PARCEL A TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85284)		1845753.27	6677677.46	0.00
	S 89°36'25" W	52.05			
PI (	65802)		1845752.91	6677625.42	0.00
	N 1°37'15" W	5.61			
PI (	65801)		1845758.51	6677625.26	0.00
	N 88°22'45" E	52.19			
PI (	65800)		1845759.99	6677677.42	0.00
	S 0°19'52" E	6.72			
POE (	85284)		1845753.27	6677677.46	0.00

Northing Error: 0.01 ft
 Easting Error: 0.00 ft
 Closing Direction: S 4°04'20" W
 Closing Distance: 0.01 ft
 Closed Area: 321.24 sq ft (0.01 ac)
 Perimeter: 116.56 ft
 Precision: 16608.04

Map Check Report

Project: WVC - OC
 Alignment: 0110-081-13 PARCEL B TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65805)		1845750.88	6677329.24	0.00
	N 0°19'30" W	6.10			
PI (	85395)		1845756.98	6677329.20	0.00
	N 89°36'06" E	56.34			
PI (	65804)		1845757.37	6677385.54	0.00
	S 0°23'54" E	6.11			
PI (	65803)		1845751.26	6677385.58	0.00
	S 89°36'25" W	56.34			
POE (	65805)		1845750.88	6677329.24	0.00

Northing Error: -0.00 ft
 Easting Error: 0.01 ft
 Closing Direction: N 58°44'05" W
 Closing Distance: 0.01 ft
 Closed Area: 344.04 sq ft (0.01 ac)
 Perimeter: 124.89 ft
 Precision: 13614.74

RESOLUTION OF NECESSITY No. 22-037
ROWLANDS PROPERTIES, A CALIFORNIA
PARTNERSHIP
PROPERTY
(APNS 0110-101-01, 0110-111-09 &
0110-111-10)

RESOLUTION NO. 22-037

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 0110-101-01, 0110-111-09 & 0110-111-10

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 1634, 1640 & 1744 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 2,113 square foot permanent easement from APN 0110-101-01, legally described and depicted in Exhibit “1” hereto; an approximate 488 square foot permanent easement from APN 0110-111-09, legally described and depicted in Exhibit “2” hereto; an approximate 774 square foot permanent easement from APN 0110-111-10, legally described and depicted in Exhibit “3” hereto; an approximate 5,573 square foot temporary construction easement, with a term of twenty-four months from APN 0110-101-01, legally described and depicted in Exhibit “4” hereto; an approximate 1,704 square foot temporary construction easement, with a term of twenty-four months from APN 0110-111-09, legally described and depicted in Exhibit “5” hereto; and an approximate 1,320 square foot temporary construction easement, with a term of twenty-four months from APN 0110-111-10,

legally described and depicted in Exhibit “6” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA’s Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA’s Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA’s notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and

around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

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(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "6" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and
- (d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-101-01

That portion of Lot 48 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Parcel Map No. 17373, as shown on map filed in Book 229, Pages 87 and 88 of Parcel Maps in the Office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 715.79 feet;

thence leaving said centerline South 00°23'35" East 40.00 feet to the northwesterly corner of said Lot 48 and the **True Point of Beginning**;

thence along the westerly line of said Lot 48 South 00°12'35" East 6.57 feet;

thence leaving said westerly line North 89°36'06" East 322.58 feet;

thence North 00°47'45" West 6.54 feet to the northerly line of said Lot 48;

thence along said northerly line South 89°36'25" West 322.51 feet to the **True Point of Beginning**.

Containing 2,113 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

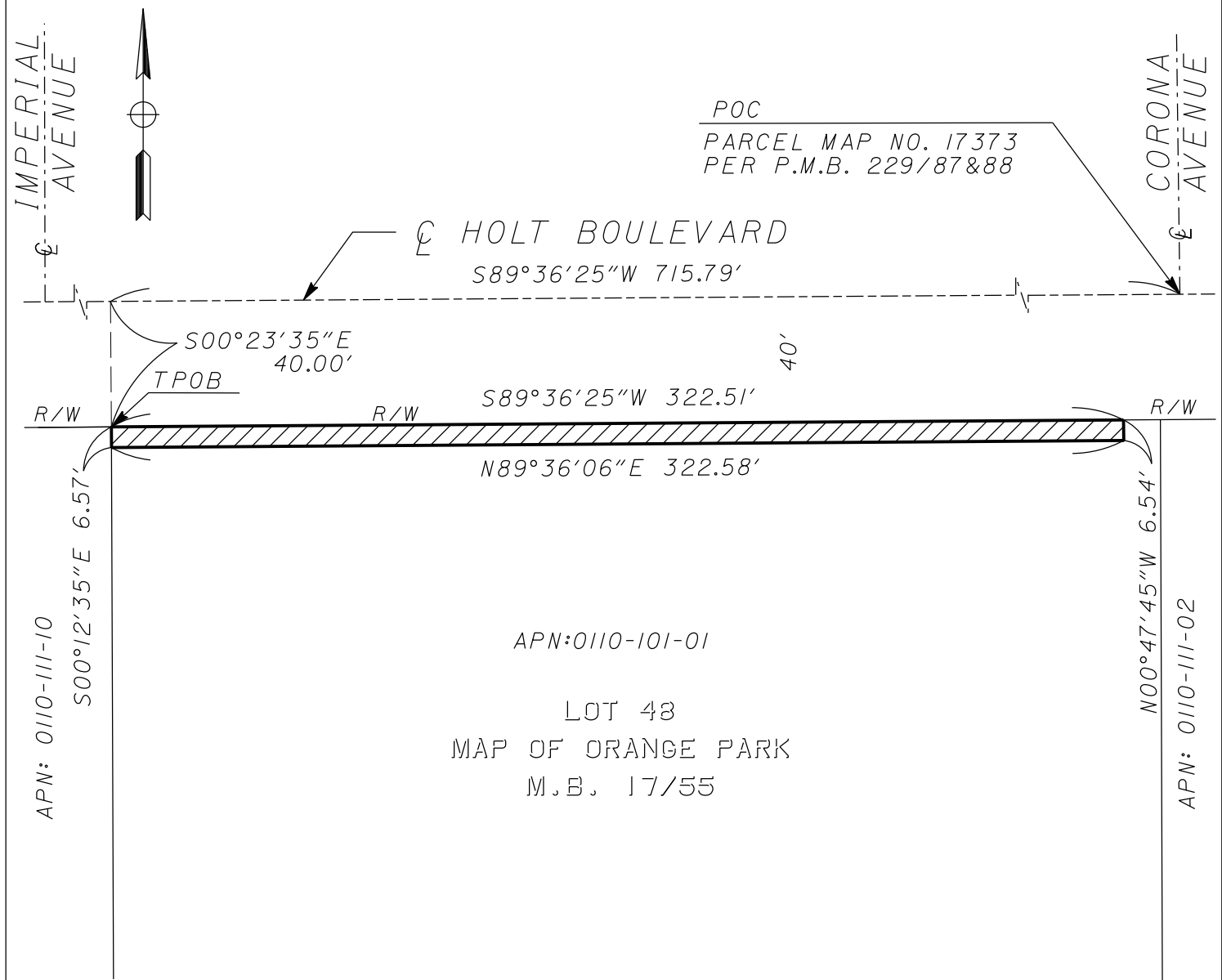
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/6/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-101-01	EASEMENT DEED OF RIGHT OF WAY DEDICATION	2,113 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

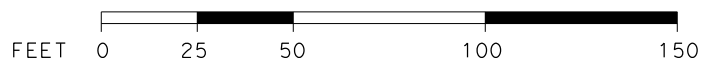
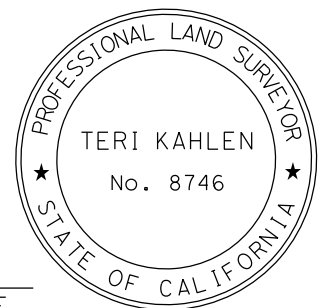
TPOB True Point of Beginning

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

8/6/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: Default
Alignment: ROW
Description: ROW

Type	Point Name\ Direction	Length	Northing	Easting	Elevation

POB (	17)		1845655.75	6678040.00	0.00
	S 0°12'35" E	6.57			
PI (	1)		1845649.18	6678040.02	0.00
	N 89°36'06" E	322.58			
PI (	16)		1845651.43	6678362.59	0.00
	N 0°47'45" W	6.54			
PI (	15)		1845657.96	6678362.50	0.00
	S 89°36'25" W	322.51			
POE (	17)		1845655.75	6678040.00	0.00

Northing Error: -0.000 ft

Easting Error: 0.003 ft

Closing Direction: N 82°32'49.281" W

Closing Distance: 0.003 ft

Closed Area: 2113.3 sq ft (0.0 ac)

Perimeter: 658.191 ft

Precision: 217224.864

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-111-09

That portion of Lot 49, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as the West 74.1 feet of the East 190.3 feet of said Lot 49 in the Grant Deed recorded January 20, 2005 as Document No. 2005-0043744 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue, as shown on Parcel Map No. 14184, per map filed in Book 165, Pages 92 and 93 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}36'25''$ West 905.95 feet to the northerly prolongation of the westerly line of said land as described in said Grant Deed;

thence leaving said centerline along said northerly prolongation South $00^{\circ}12'35''$ East 40.00 feet to the northwesterly corner of said land and the **True Point of Beginning**;

thence along said westerly line South $00^{\circ}12'35''$ East 6.58 feet;

thence leaving said westerly line North $89^{\circ}36'06''$ East 74.10 feet to the easterly line of said land;

thence along said easterly line North $00^{\circ}12'35''$ West 6.58 feet to the northeasterly corner of said land;

thence along the northerly line of said land South $89^{\circ}36'25''$ West 74.10 feet to the **True Point of Beginning**.

Containing 488 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

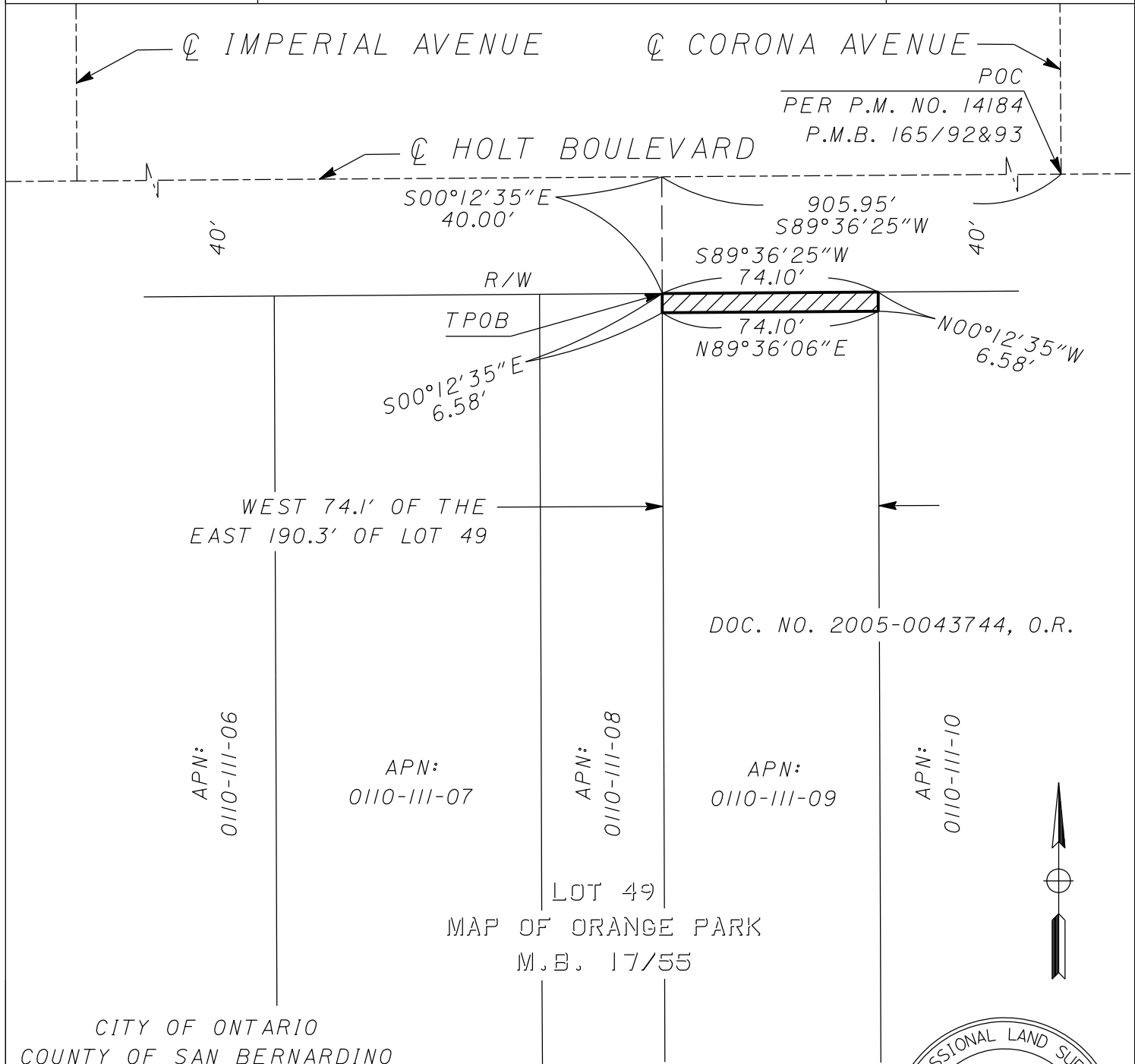
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/29/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-09	EASEMENT DEED OF RIGHT OF WAY DEDICATION	488 SF



LEGEND



Indicates area to be acquired

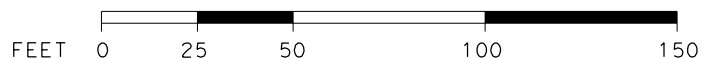
POC Point Of Commencement
 TPOB True Point of Beginning
 (R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/29/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
 Riverside, California 92507
 (951)787-8421 www.psomas.com

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-111-09 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85560)		1845654.445	6677849.712	0.000
	S 0°12'35" E	6.58			
POT (	85561)		1845647.862	6677849.736	0.000
	N 89°36'06" E	74.10			
POT (	85564)		1845648.377	6677923.835	0.000
	N 0°12'35" W	6.58			
POT (	85565)		1845654.953	6677923.811	0.000
	S 89°36'25" W	74.10			
POT (	85560)		1845654.445	6677849.712	0.000

Northing Error: 0.007 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°23'44" E
 Closing Distance: 0.007 ft
 Closed Area: 487.6 sq ft (0.0 ac)
 Perimeter: 161.360 ft
 Precision: 23640.095

EXHIBIT “3”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-111-10

That portion of Lot 49, of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 17 of Maps, Page 55, in the Office of the County Recorder of said County, said portion more particularly described as the easterly 116.20 feet of said Lot 49 in the Grant Deed recorded January 20, 2005 as Document No. 2005-0043744, of Official Records, in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the centerline of Holt Boulevard and Corona Avenue as shown on Parcel Map No. 17373, as shown on map filed in Book 229 of Parcel Maps, Pages 87 and 88, in the Office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard South 89°36'25" West 831.98 feet;

thence leaving said centerline South 00°23'35" East 40.00 feet to the northerly line of said Lot 49 of said Map, also being the northwesterly corner of the easterly 116.20 feet of said Lot 49 in said deed and the **True Point of Beginning**;

thence along the westerly line of said land in said deed South 00°12'35" East 6.58 feet;

thence leaving said westerly line North 89°36'06" East 26.42 feet;

thence South 00°23'54" East 0.50 feet;

thence North 89°36'06" East 21.00 feet;

thence North 00°23'54" West 0.50 feet;

thence North 89°36'06" East 68.77 feet to the easterly line of said Lot 49;

thence along said easterly line North 00°12'35" West 6.57 feet to said northerly line of Lot 49;


thence along said northerly line South 89°36'25" West 116.19 feet to the **True Point of Beginning**.

Containing 774 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: 
William R. Estepa, PLS 8580

Date: 06/03/2021

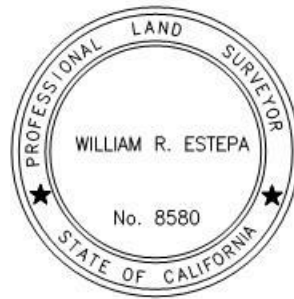


EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-10	EASEMENT DEED OF RIGHT OF WAY DEDICATION	774 SF

POC
PARCEL MAP NO. 17373
PER P.M.B. 229/87-88

HOLT BOULEVARD (A STREET)

IMPERIAL AVE.

CORONA AVE.

TPOB

APN: 0110-III-09

APN: 0110-III-10

DOC. NO. 2005-0043744, O.R.

APN: 0110-101-01

E'LY LINE OF LOT 49

EASEMENTS

① 8' WIDE STRIP UTILITY EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY PER DOC. NO. 2001-471787, O.R. REC. 10/17/2001

② 16' WIDE STRIP UTILITY EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY PER DOC. NO. 2015-0198170, O.R. REC. 05/13/2015

DETAIL "A" SEE BELOW

DETAIL "A" N.T.S.

LEGEND

POC Point Of Commencement

TPOB True Point of Beginning

() Record per Doc. No. 2005-0043744, O.R.

THIS PLAT WAS PREPARED UNDER MY DIRECTION

WILLIAM R. ESTEPA, PLS 8580

06/03/2021

DATE

PROFESSIONAL LAND SURVEYOR

WILLIAM R. ESTEPA

No. 8580

STATE OF CALIFORNIA

PREPARED BY: PSOMAS

1650 Spruce Street, Suite 400

Riverside, California 92507

(951)787-8421 www.psomas.com

PREPARED BY

SCALE

SHEET NO.

TOTAL SHEETS

Project Name: WVC - RIV
Description: COPY OF OC ALG
Horizontal Alignment Name: 0110-111-10 RE
Description: ROW ESMT
Style: V_ALGN_BDRY

	STATION	NORTHING	EASTING
Element: Linear			
POB (1625)	0+00.00	1845654.9531	6677923.8108
PI (1632)	0+06.58	1845648.3766	6677923.8349
Tangent Direction:	S 0°12'35" E		
Tangent Length:	6.58		
Element: Linear			
PI (1632)	0+06.58	1845648.3766	6677923.8349
PI (1631)	0+33.00	1845648.5603	6677950.2564
Tangent Direction:	N 89°36'06" E		
Tangent Length:	26.42		
Element: Linear			
PI (1631)	0+33.00	1845648.5603	6677950.2564
PI (1630)	0+33.50	1845648.0603	6677950.2599
Tangent Direction:	S 0°23'54" E		
Tangent Length:	0.50		
Element: Linear			
PI (1630)	0+33.50	1845648.0603	6677950.2599
PI (1629)	0+54.50	1845648.2062	6677971.2594
Tangent Direction:	N 89°36'06" E		
Tangent Length:	21.00		
Element: Linear			
PI (1629)	0+54.50	1845648.2062	6677971.2594
PI (1628)	0+55.00	1845648.7062	6677971.2559
Tangent Direction:	N 0°23'54" W		
Tangent Length:	0.50		
Element: Linear			
PI (1628)	0+55.00	1845648.7062	6677971.2559
PI (1627)	1+23.77	1845649.1842	6678040.0223
Tangent Direction:	N 89°36'06" E		
Tangent Length:	68.77		
Element: Linear			
PI (1627)	1+23.77	1845649.1842	6678040.0223
PI (1626)	1+30.33	1845655.7504	6678039.9982
Tangent Direction:	N 0°12'35" W		
Tangent Length:	6.57		
Element: Linear			
PI (1626)	1+30.33	1845655.7504	6678039.9982
POE (1625)	2+46.52	1845654.9531	6677923.8108
Tangent Direction:	S 89°36'25" W		

Tangent Length: 116.19

Area: 774.03 sq.feet 0.02 acres

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-101-01

That portion of Lot 48 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps, in the Office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Parcel Map No. 17373, as shown on map filed in Book 229, Pages 87 and 88 of Parcel Maps in the Office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 715.79 feet;

thence leaving said centerline South 00°23'35" East 40.00 feet to the northwesterly corner of said Lot 48;

thence along the westerly line of said Lot 48 South 00°12'35" East 6.57 feet to the **True Point of Beginning**;

thence continuing along said westerly line South 00°12'35" East 19.00 feet;

thence leaving said westerly line North 89°36'06" East 32.35 feet;

thence South 00°23'54" East 6.00 feet;

thence North 89°36'06" East 42.00 feet;

thence North 00°23'54" West 6.00 feet;

thence North 89°36'06" East 104.05 feet;

thence South 00°23'54" East 6.00 feet;

thence North 89°36'06" East 48.45 feet;

thence North 00°23'54" West 21.95 feet;

thence North 89°42'07" East 48.04 feet;

thence South 5.00 feet;

thence North 59.46 feet to the easterly line of said Lot 48;

thence along said easterly line North 00°12'35" West 15.08 feet to the northeasterly corner of said Lot 48;

thence along the northerly line of said Lot 48 South 89°36'25" West 11.75 feet;

thence leaving said northerly line South 00°47'45" East 6.54 feet;

thence South 89°36'06" West 322.58 feet to the **True Point of Beginning**;

Containing 5,573 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

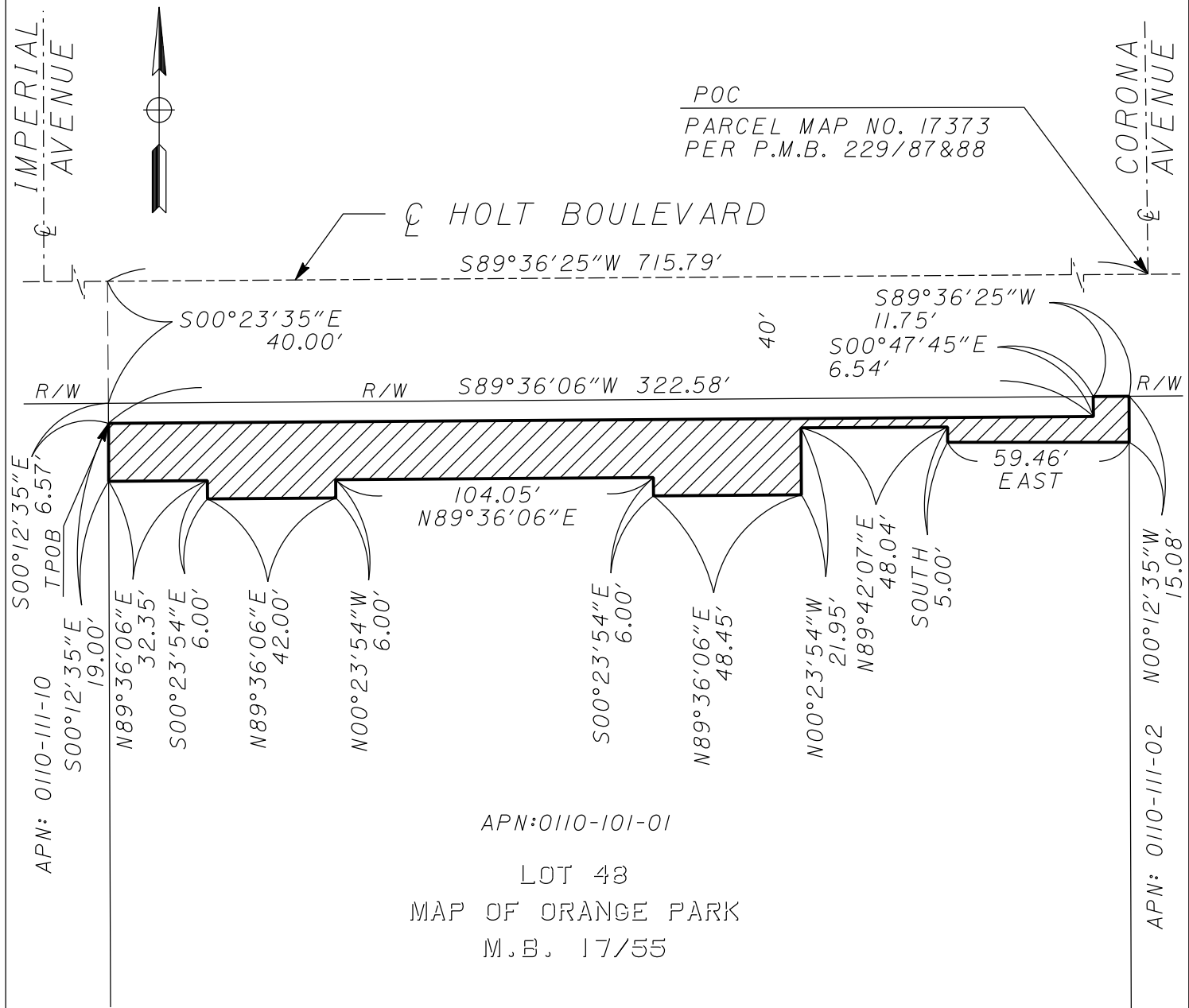
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/6/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-101-01	TEMPORARY CONSTRUCTION EASEMENT	5,573 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

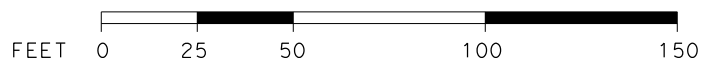
TPOB True Point of Beginning

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

8/6/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: Default
Alignment: TCE
Description: TCE

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (1)			1845649.18	6678040.02	0.00
	S 0°12'35" E	19.00			
PI (2)			1845630.18	6678040.09	0.00
	N 89°36'06" E	32.35			
PI (3)			1845630.41	6678072.44	0.00
	S 0°23'54" E	6.00			
PI (4)			1845624.41	6678072.48	0.00
	N 89°36'06" E	42.00			
PI (5)			1845624.70	6678114.48	0.00
	N 0°23'54" W	6.00			
PI (6)			1845630.70	6678114.44	0.00
	N 89°36'06" E	104.05			
PI (7)			1845631.42	6678218.48	0.00
	S 0°23'54" E	6.00			
PI (8)			1845625.42	6678218.52	0.00
	N 89°36'06" E	48.45			
PI (9)			1845625.76	6678266.97	0.00
	N 0°23'54" W	21.95			
PI (10)			1845647.71	6678266.81	0.00
	N 89°42'07" E	48.04			
PI (11)			1845647.96	6678314.85	0.00
	S 0°00'00" W	5.00			
PI (12)			1845642.96	6678314.85	0.00
	S 90°00'00" E	59.46			
PI (13)			1845642.96	6678374.31	0.00
	N 0°12'35" W	15.08			
PI (14)			1845658.04	6678374.25	0.00
	S 89°36'25" W	11.75			
PI (15)			1845657.96	6678362.50	0.00
	S 0°47'45" E	6.54			
PI (16)			1845651.43	6678362.59	0.00
	S 89°36'06" W	322.58			
POE (1)			1845649.18	6678040.02	0.00

Northing Error: -0.006 ft
Easting Error: 0.016 ft
Closing Direction: N 69°50'42.191" W
Closing Distance: 0.017 ft
Closed Area: 5573.0 sq ft (0.1 ac)
Perimeter: 754.237 ft
Precision: 43604.191

EXHIBIT “5”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-09

That portion of Lot 49, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as the West 74.1 feet of the East 190.3 feet of said Lot 49 in the Grant Deed recorded January 20, 2005 as Document No. 2005-0043744 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue, as shown on Parcel Map No. 14184, per map filed in Book 165, Pages 92 and 93 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}36'25''$ West 905.95 feet to the northerly prolongation of the westerly line of said land as described in said Grant Deed;

thence leaving said centerline along said northerly prolongation and said westerly line South $00^{\circ}12'35''$ East 46.58 feet to the **True Point of Beginning**;

thence leaving said westerly line North $89^{\circ}36'06''$ East 74.10 feet to the easterly line of said land;

thence along said easterly line South $00^{\circ}12'35''$ East 23.00 feet;

thence leaving said easterly line South $89^{\circ}36'06''$ West 74.10 feet to said westerly line;

thence along said westerly line North $00^{\circ}12'35''$ West 23.00 feet to the **True Point of Beginning**.

Containing 1,704 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

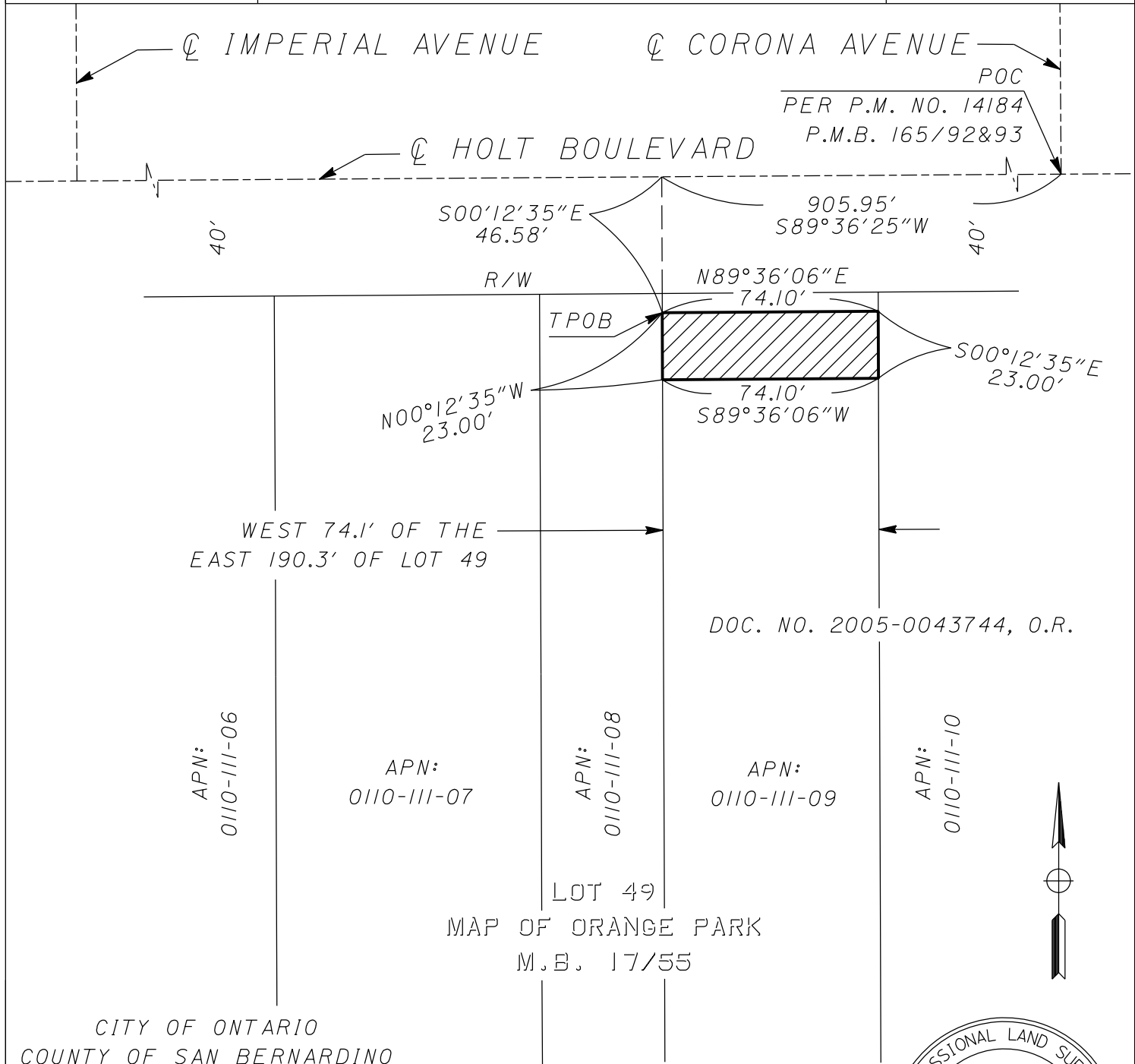
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/29/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-09	TEMPORARY CONSTRUCTION EASEMENT	1,704 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

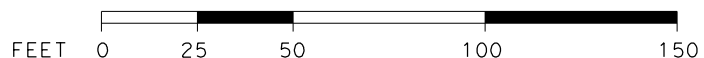
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/29/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-111-09 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85561)		1845647.862	6677849.736	0.000
	N 89°36'06" E	74.10			
POT (	85564)		1845648.377	6677923.835	0.000
	S 0°12'35" E	23.00			
POT (	85566)		1845625.377	6677923.919	0.000
	S 89°36'06" W	74.10			
POT (	85563)		1845624.862	6677849.820	0.000
	N 0°12'35" W	23.00			
POT (	85561)		1845647.862	6677849.736	0.000

Northing Error: 0.000 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°00'00" E
 Closing Distance: 0.000 ft
 Closed Area: 1704.3 sq ft (0.0 ac)
 Perimeter: 194.201 ft
 Precision: 1e.+41

EXHIBIT “6”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-10

That portion of Lot 49, of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 17 of Maps, Page 55, in the Office of the County Recorder of said County, said portion more particularly described as the easterly 116.20 feet of said Lot 49 in the Grant Deed recorded January 20, 2005 as Document No. 2005-0043744, of Official Records in the Office of the County Recorder of said County, described as follows:

Commencing at the intersection of the centerline of Holt Boulevard and Corona Avenue as shown on Parcel Map No. 17373, as shown on map filed in Book 229 of Parcel Maps, Pages 87 and 88, in the Office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard South 89°36'25" West 831.98 feet;

thence leaving said centerline South 00°23'35" East 40.00 feet to the northerly line of said Lot 49 of said Map, also being the northwesterly corner of the easterly 116.20 feet of said Lot 49 in said deed;

thence along the westerly line of said land in said deed South 00°12'35" East 6.58 feet to the **True Point of Beginning**;

thence leaving said westerly line North 89°36'06" East 26.42 feet;

thence South 00°23'54" East 0.50 feet;

thence North 89°36'06" East 21.00 feet;

thence North 00°23'54" West 0.50 feet;

thence North 89°36'06" East 68.77 feet to the easterly line of said Lot 49;

thence along said easterly line South 00°12'35" East 19.00 feet;

thence leaving said easterly line South 89°36'06" West 6.54 feet;

thence North 00°23'54" West 8.00 feet;


thence South 89°36'06" West 109.62 feet to said westerly line of said land in said deed;
thence along said westerly line North 00°12'35" West 11.00 feet to the **True Point of Beginning**.

Containing 1,320 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: 
William R. Estepa, PLS 8580

Date: 06/03/2021

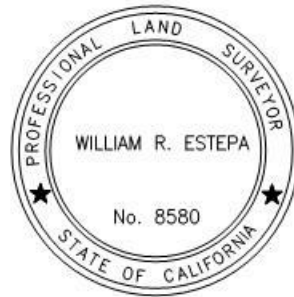
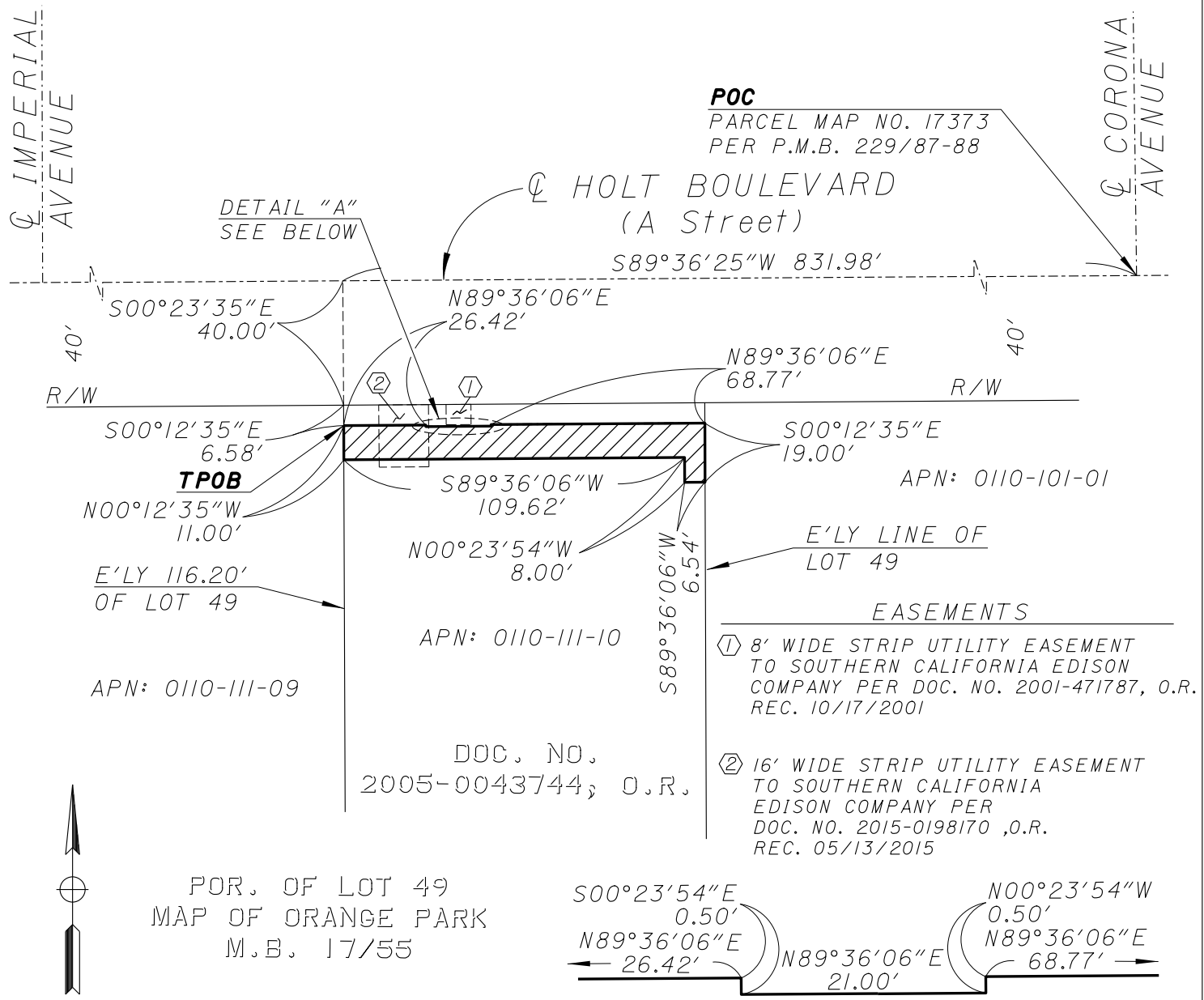


EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-10	TEMPORARY CONSTRUCTION EASEMENT	1,320 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

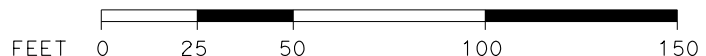
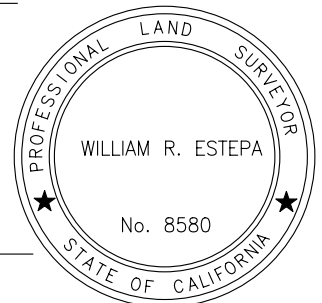
TPOB True Point of Beginning

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

06/03/2021

WILLIAM R. ESTEPA, PLS 8580 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

AP

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Project Name: WVC - RIV
Description: COPY OF OC ALG
Horizontal Alignment Name: 0110-111-10 TCE
Description: TEMP CONST. ESMT
Style: V_ROW

	STATION	NORTHING	EASTING
Element: Linear			
POB (1632)	0+00.00	1845648.3766	6677923.8349
PI (1631)	0+26.42	1845648.5603	6677950.2564
Tangent Direction:	N 89^36'06" E		
Tangent Length:	26.42		
Element: Linear			
PI (1631)	0+26.42	1845648.5603	6677950.2564
PI (1630)	0+26.92	1845648.0603	6677950.2599
Tangent Direction:	S 0^23'54" E		
Tangent Length:	0.50		
Element: Linear			
PI (1630)	0+26.92	1845648.0603	6677950.2599
PI (1629)	0+47.92	1845648.2062	6677971.2594
Tangent Direction:	N 89^36'06" E		
Tangent Length:	21.00		
Element: Linear			
PI (1629)	0+47.92	1845648.2062	6677971.2594
PI (1628)	0+48.42	1845648.7062	6677971.2559
Tangent Direction:	N 0^23'54" W		
Tangent Length:	0.50		
Element: Linear			
PI (1628)	0+48.42	1845648.7062	6677971.2559
PI (1627)	1+17.19	1845649.1842	6678040.0223
Tangent Direction:	N 89^36'06" E		
Tangent Length:	68.77		
Element: Linear			
PI (1627)	1+17.19	1845649.1842	6678040.0223
PI (1634)	1+36.19	1845630.1842	6678040.0919
Tangent Direction:	S 0^12'35" E		
Tangent Length:	19.00		
Element: Linear			
PI (1634)	1+36.19	1845630.1842	6678040.0919
PI (1635)	1+42.73	1845630.1388	6678033.5529
Tangent Direction:	S 89^36'06" W		
Tangent Length:	6.54		
Element: Linear			
PI (1635)	1+42.73	1845630.1388	6678033.5529
PI (1636)	1+50.73	1845638.1386	6678033.4973
Tangent Direction:	N 0^23'54" W		

Tangent Length: 8.00

Element: Linear

PI (1636)	1+50.73	1845638.1386	6678033.4973
PI (1637)	2+60.35	1845637.3767	6677923.8751
Tangent Direction:	S 89^36'06" W		
Tangent Length:	109.62		

Element: Linear

PI (1637)	2+60.35	1845637.3767	6677923.8751
POE (1632)	2+71.35	1845648.3766	6677923.8349
Tangent Direction:	N 0^12'35" W		
Tangent Length:	11.00		

Area: 1320.01 sq.feet 0.03 acres

RESOLUTION OF NECESSITY No. 22-038

**ONTARIO CNG PROPERTY LLC, A
CALIFORNIA LIMITED LIABILITY
COMPANY
PROPERTY
(APN 0110-101-13)**

RESOLUTION NO. 22-038

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 0110-101-13

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the West Valley Connector Project (the “Project”); and

WHEREAS, the Project involves the construction of a 100% zero-emissions Bus Rapid Transit (BRT) System, with phase 1 stretching from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, California. The Project seeks to improve corridor mobility, transit efficiency, and address growing traffic congestion in the western San Bernardino Valley from the City of Pomona to the City of Fontana; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement Project serving the public interest; and

WHEREAS, California Public Utilities Code Section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, SBCTA is also authorized to acquire said property interests for public use by condemnation pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law; and

WHEREAS, portions of the real property located at 1850 East Holt Boulevard in the City of Ontario, California (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 345 square foot permanent easement, legally described and depicted in Exhibit “1” hereto; and an approximate 299 square foot temporary construction easement, with a term of twenty-four months, legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”); and

WHEREAS, to the extent the Subject Property Interests or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property

is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

WHEREAS, the Project will maintain reasonable vehicular and pedestrian access to and from the Property at all times; and

WHEREAS, SBCTA extended a written offer of compensation to the owner or owners of record for the acquisition of the Subject Property Interests in accordance with California Government Code Section 7267.2; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to consider the adoption of a Resolution of Necessity for acquisition by eminent domain of the Subject Property Interests to the City of Ontario as required by Public Utilities Code Section 130220.5(c); and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for January 5, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in Code of Civil Procedure Section 1240.030; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure Sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. SBCTA has complied with the requirements of Code of Civil Procedure Section 1245.235 regarding the notice about the hearing to consider this Resolution and informing the owner of the opportunity to appear and be heard.

Section 3. Public Use. The Subject Property Interests are to be acquired for public use, namely for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the Project, a public bus rapid transit (BRT) project that would improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor.

(a) The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety. Public Utilities Code Section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do

not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

(a) The Project is necessary to improve corridor mobility and transit efficiency in the western San Bernardino Valley, decrease travel times, and improve the existing public transit system within the corridor. The Project, as planned and designed, helps address the growing traffic congestion and travel demands in this area of the County of San Bernardino. The construction of the Project would help SBCTA achieve its long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

(b) The Project, as planned and located, is designed to improve transit service by better accommodating existing high bus ridership. The Project also seeks to improve ridership by providing a viable and competitive transit alternative to the automobile. The Project, as planned and designed, seeks to improve efficiency of transit service delivery while lowering operating costs per rider. It seeks to support local and regional planning goals to organize development along transit corridors and around transit stations. The Project, as planned and located, responds to the need to establish a higher quality transit service to accommodate current and future population and employment conditions. It also seeks to meet the needs of improving the transit system to make transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

(c) The public interest and necessity require the acquisition by eminent domain of the Subject Property Interests.

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (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 least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

(d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project.

Section 9. Environmental Review. The environmental effects of the Project and the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the environmental review for the Project. The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit

opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the Project with exclusive bus-only lanes on Holt Boulevard. In addition, the Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the Project area. The Project is supported by Caltrans, Districts 7 and 8, and the cities along the Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way. SBCTA has incorporated mitigation measures into the Project to reduce or eliminate potentially significant or adverse environmental impacts.

On January 5, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 10. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property Interests, including the improvements thereon, if any, by eminent domain for the Project.

Section 11. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Subject Property Interests at the earliest possible time.

Section 12. Executive Director Authority. The Executive Director is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 13. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on January 5, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-101-13

That portion of Parcel 1 of Parcel Map No 15097, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 185, Pages 68 and 69 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the intersection of the centerline of Holt Boulevard and Corona Avenue as shown on said Parcel Map;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'21''$ East 495.96 feet;

thence leaving said centerline South $00^{\circ}24'39''$ East 50.00 feet to the northerly line of said Parcel 1 and the **True Point of Beginning**;

thence leaving said northerly line South $39^{\circ}12'51''$ East 5.45 feet;

thence North $89^{\circ}31'16''$ East 78.58 feet;

thence North $39^{\circ}52'46''$ East 5.45 feet to said northerly line;

thence along said northerly line South $89^{\circ}35'21''$ West 85.52 feet to the **True Point of Beginning**.

Containing 345 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

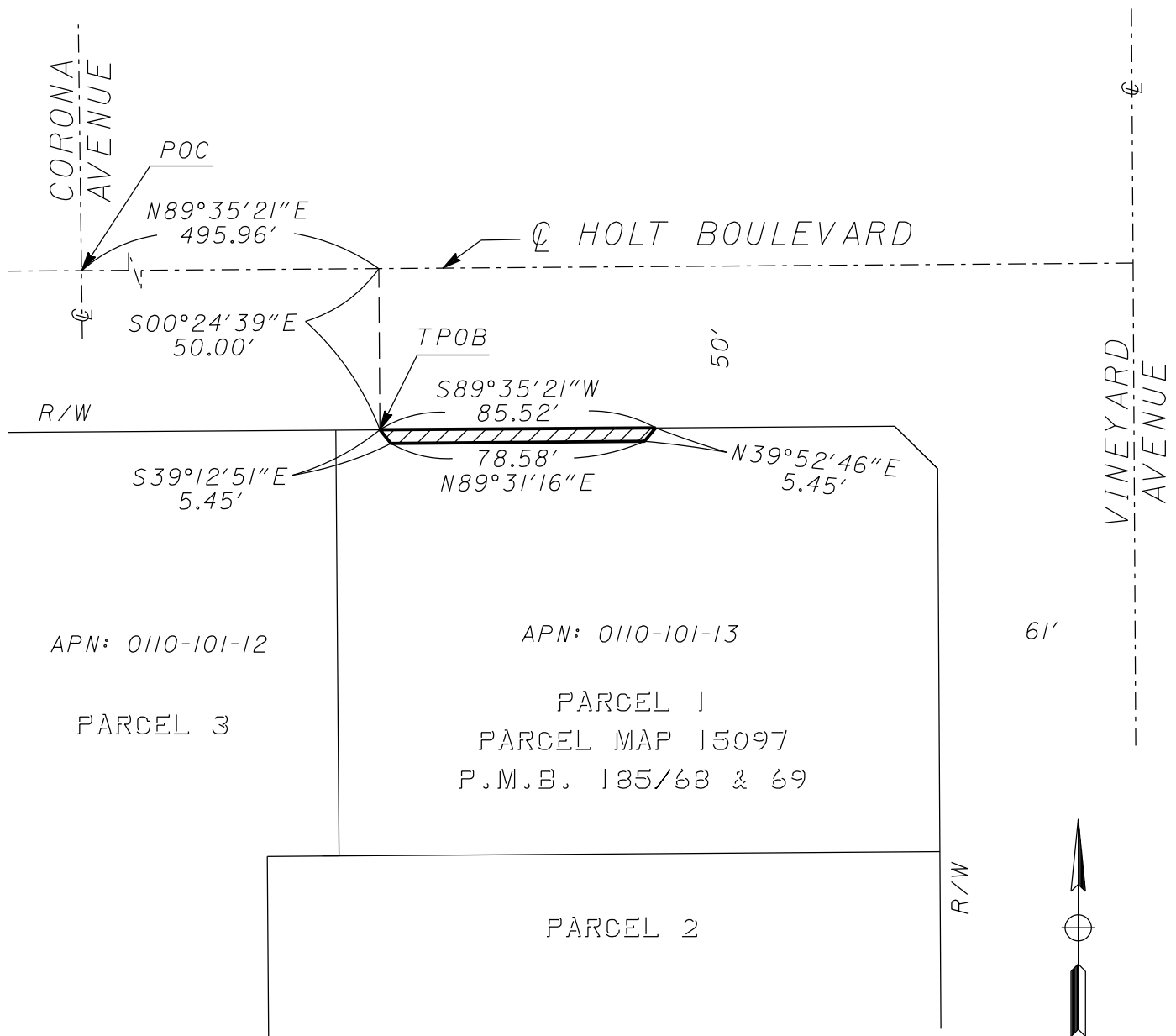
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/5/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-101-13	EASEMENT DEED OF RIGHT OF WAY DEDICATION	345 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

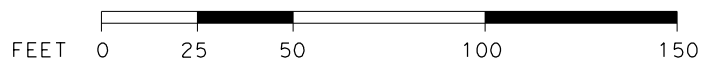
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

8/5/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-101-13 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85118)		1845654.219	6679251.803	0.000
	S 39°12'51" E	5.45			
POT (	85121)		1845649.992	6679255.251	0.000
	N 89°31'16" E	78.58			
POT (	85137)		1845650.649	6679333.830	0.000
	N 39°52'46" E	5.45			
POT (	85142)		1845654.832	6679337.324	0.000
	S 89°35'21" W	85.52			
POT (	85118)		1845654.219	6679251.803	0.000

Northing Error: 0.003 ft
 Easting Error: -0.001 ft
 Closing Direction: S 9°23'06" E
 Closing Distance: 0.003 ft
 Closed Area: 345.0 sq ft (0.0 ac)
 Perimeter: 175.010 ft
 Precision: 52635.669

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-101-13

That portion of Parcel 1 of Parcel Map No 15097, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 185, Pages 68 and 69 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the intersection of the centerline of Holt Boulevard and Corona Avenue as shown on said Parcel Map;

thence along the centerline of said Holt Boulevard North 89°35'21" East 495.96 feet;

thence leaving said centerline South 00°24'39" East 50.00 feet to the northerly line of said Parcel 1 and the **True Point of Beginning**;

thence leaving said northerly line South 39°12'51" East 5.45 feet;

thence North 89°31'16" East 78.58 feet;

thence North 39°52'46" East 5.45 feet to said northerly line;

thence along said northerly line North 89°35'21" East 1.31 feet;

thence leaving said northerly line South 00°24'39" East 4.41 feet;

thence South 87°46'48" West 2.28 feet;

thence South 00°17'53" East 1.89 feet;

thence South 88°14'03" West 85.86 feet;

thence North 00°24'39" West 8.40 feet to said northerly line;

thence along said northerly line North 89°35'21" East 1.28 feet to the **True Point of Beginning**.

Containing 299 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

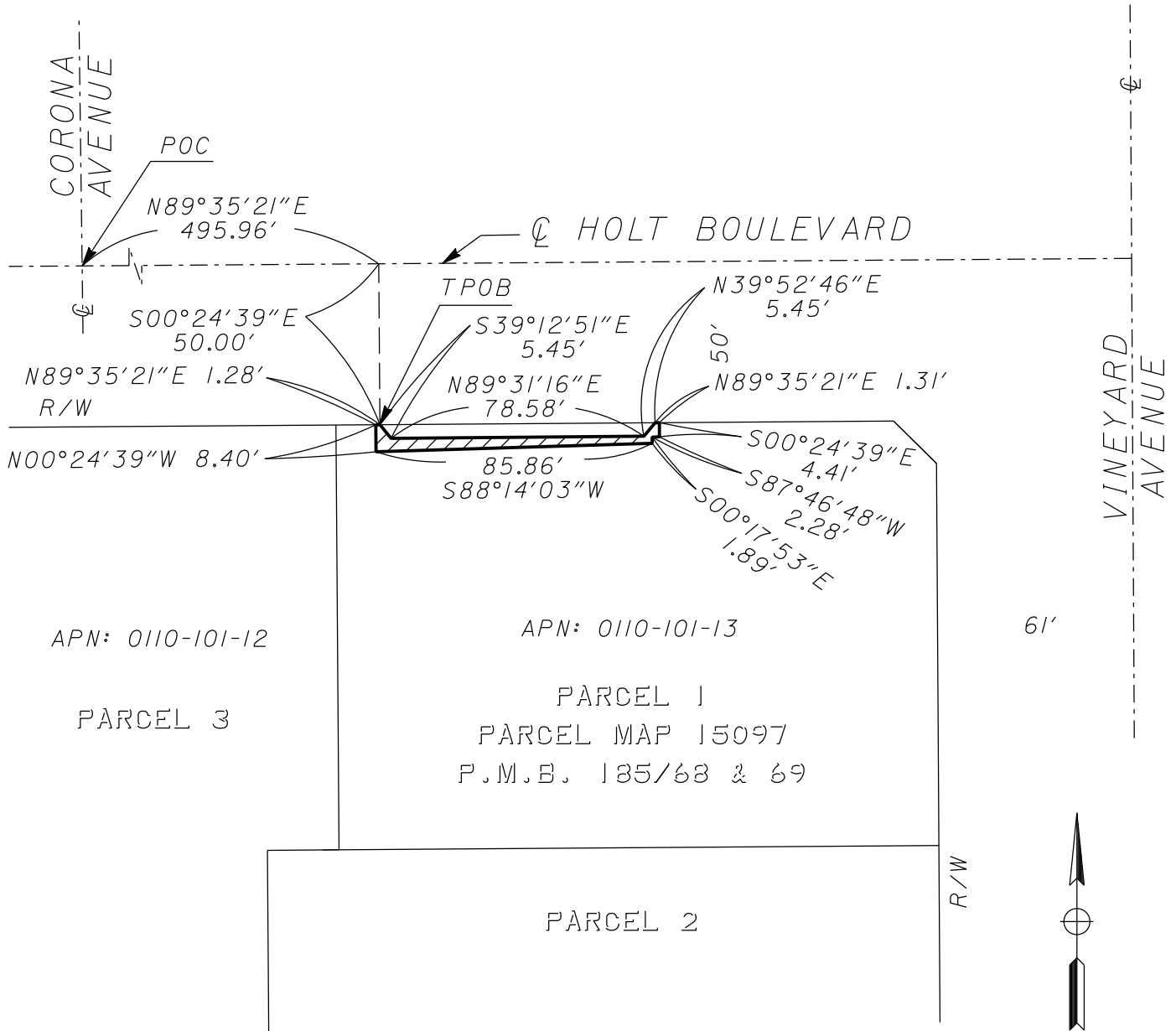
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/5/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-101-13	TEMPORARY CONSTRUCTION EASEMENT	299 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

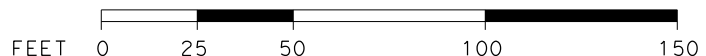
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

8/5/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

1650 Spruce Street, Suite 400
Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-101-13 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85118)		1845654.219	6679251.803	0.000
	S 39°12'51" E	5.45			
POT (	85121)		1845649.992	6679255.251	0.000
	N 89°31'16" E	78.58			
POT (	85137)		1845650.649	6679333.830	0.000
	N 39°52'46" E	5.45			
POT (	85142)		1845654.832	6679337.324	0.000
	N 89°35'21" E	1.31			
POT (	85742)		1845654.841	6679338.636	0.000
	S 0°24'39" E	4.41			
POT (	85743)		1845650.427	6679338.667	0.000
	S 87°46'48" W	2.28			
POT (	85744)		1845650.339	6679336.391	0.000
	S 0°17'53" E	1.89			
POT (	85745)		1845648.453	6679336.401	0.000
	S 88°14'03" W	85.86			
POT (	85746)		1845645.808	6679250.579	0.000
	N 0°24'39" W	8.40			
POT (	85747)		1845654.209	6679250.519	0.000
	N 89°35'21" E	1.28			
POT (	85118)		1845654.219	6679251.803	0.000

Northing Error: 0.001 ft
 Easting Error: -0.009 ft
 Closing Direction: S 84°17'37" E
 Closing Distance: 0.009 ft
 Closed Area: 299.3 sq ft (0.0 ac)
 Perimeter: 194.924 ft
 Precision: 21312.505