

Support Material Agenda Item No. 21

Board of Directors Meeting

**May 4, 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

VIDEO CONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATION

**City Council Chambers
1111 Bailey Ave.
Needles, CA 92363**

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:

- **RFA Montclair, LP, a California limited partnership (Assessor's Parcel Number (APN) 1012-071-03);**
- **1401 Holt Investments, LLC, a California limited liability company (APN 1011-111-05);**
- **Ronald A. Hendrickson & Susan C. Hendrickson, Trustees UTD November 5, 2007 FBO Ronald A. Hendrickson & Susan C. Hendrickson; William K. Harden & Judith L. Harden; Gary Harden; Michael Harden (APN 1011-121-13);**
- **Sylverio Malagon, a single man, as his sole and separate property (APN 1010-552-14 & 15);**
- **Gregory L. Johnson & Thea M. Johnson, Co-Trustees of The Johnson Family Trust Established June 9, 2011 (APN 1011-111-21);**
- **Frank J. Cuccia & Susan K. Cuccia, Co-Trustees of the Frank J. Cuccia Family Trust, Dated May 22, 1989 (APN 1010-543-01, 02 & 03);**
- **HBL Family, LLC, a California limited liability company (APN 1010-611-12);**

- **Linda L. Robinson, Trustee of the Linda L. Robinson Living Trust dated February 11, 1992 (APN 1010-543-09);**
- **14255 Ellsworth Street, LLC, a California limited liability company (APN 8323-025-025);**
- **Fountain of Love Christian Center, Inc., a California non-profit corporation (APN 8326-024-041);**
- **Elias Properties, LLC, a California limited liability company (APN 1048-523-16);**
- **Ron J. Goodin, Trustee of The R.J. Goodin Family Trust under Trust Instrument dated September 30, 1988 (APN 0110-111-06, 07 & 08);**
- **Thomas G. Matlock & Judith L. Matlock, Co-Trustees of The Matlock Living Trust - 1997, dated April 2, 1997 (APN 0110-111-01); and**
- **Amazing Grace Clothing, LLC, a Texas limited liability company (APN 0110-061-01).**

RESOLUTION OF NECESSITY No. 22-102

**RFA MONTCLAIR, LP, A CALIFORNIA
PARTNERSHIP PROPERTY**

(APN 1012-071-03)

RESOLUTION NO. 22-102

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. 1012-071-03

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 4535 Holt Boulevard in the City of Montclair, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1012-071-03 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 188 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 406 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 Montclair 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 May 4, 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 Montclair 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 proceedings 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 May 4, 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 May 4, 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

APN: 1012-071-03

That portion of Parcel 2 of Parcel Map No. 15715, in the City of Montclair, County of San Bernardino, State of California, per map filed in Book 193, Pages 92 through 94 of Parcel Maps in the office of the County Recorder of said County, described as follows:

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

thence along the centerline of said Holt Boulevard South 89°52'48" East 84.07 feet;

thence leaving said centerline South 00°03'57" West 37.00 feet to the northerly line of said Parcel 2 and the **True Point of Beginning**;

thence continuing South 00°03'57" West 2.58 feet;

thence South 89°56'13" East 14.39 feet;

thence South 00°03'47" West 3.00 feet;

thence South 89°56'13" East 11.50 feet;

thence North 00°03'47" East 3.00 feet;

thence South 89°56'13" East 34.11 feet;

thence North 00°03'58" East 2.52 feet to said northerly line;

thence along said northerly line North 89°52'48" West 60.00 feet to the **True Point of Beginning**.

Containing 188 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).

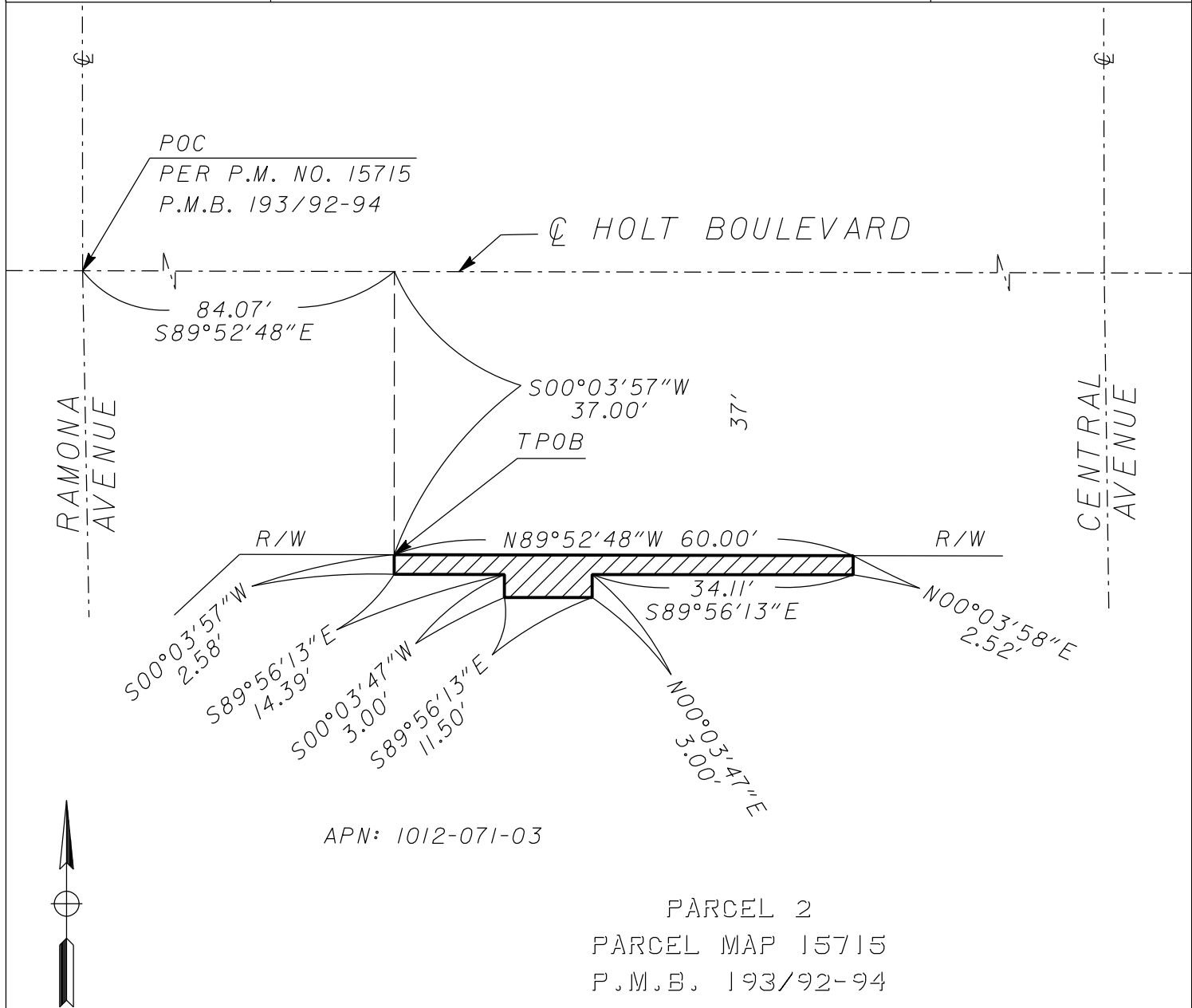
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1012-071-03	EASEMENT	188 SF



CITY OF MONTCLAIR
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

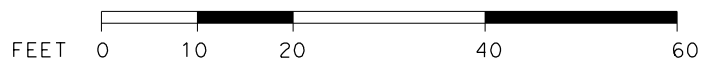
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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

NB

SCALE

1"=20'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1012-071-03 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85497)		1845451.526	6650482.676	0.000
	S 0°03'57" W	2.58			
POT (	85498)		1845448.943	6650482.673	0.000
	S 89°56'13" E	14.39			
POT (	85499)		1845448.927	6650497.067	0.000
	S 0°03'47" W	3.00			
POT (	85500)		1845445.927	6650497.063	0.000
	S 89°56'13" E	11.50			
POT (	85501)		1845445.915	6650508.563	0.000
	N 0°03'47" E	3.00			
POT (	85502)		1845448.915	6650508.567	0.000
	S 89°56'13" E	34.11			
POT (	85503)		1845448.877	6650542.673	0.000
	N 0°03'58" E	2.52			
POT (	85504)		1845451.400	6650542.676	0.000
	N 89°52'48" W	60.00			
POT (	85497)		1845451.526	6650482.676	0.000

Northing Error: -0.000 ft
 Easting Error: 0.000 ft
 Closing Direction: N 5°58'43" W
 Closing Distance: 0.000 ft
 Closed Area: 187.7 sq ft (0.0 ac)
 Perimeter: 131.106 ft
 Precision: 354340.998

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1012-071-03

That portion of Parcel 2 of Parcel Map No. 15715, in the City of Montclair, County of San Bernardino, State of California, per map filed in Book 193, Pages 92 through 94 of Parcel Maps in the office of the County Recorder of said County, described as follows:

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

thence along the centerline of said Holt Boulevard South 89°52'48" East 84.07 feet;

thence leaving said centerline South 00°03'57" West 37.00 feet to the northerly line of said Parcel 2 and the **True Point of Beginning**;

thence continuing South 00°03'57" West 2.58 feet;

thence South 89°56'13" East 14.39 feet;

thence South 00°03'47" West 3.00 feet;

thence South 89°56'13" East 11.50 feet;

thence North 00°03'47" East 3.00 feet;

thence South 89°56'13" East 34.11 feet;

thence North 00°03'58" East 2.52 feet to said northerly line;

thence along said northerly line South 89°52'48" East 5.00 feet;

thence leaving said northerly line South 00°03'58" West 7.52 feet;

thence North 89°56'13" West 34.11 feet;

thence South 00°03'47" West 3.00 feet;

thence North 89°56'13" West 21.50 feet;

thence North 00°03'47" East 3.00 feet;

thence North 89°56'13" West 14.39 feet;

thence North 00°03'57" East 7.59 feet to said northerly line;

thence along said northerly line South 89°52'48" East 5.00 feet to the **True Point of Beginning**.

Containing 406 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).

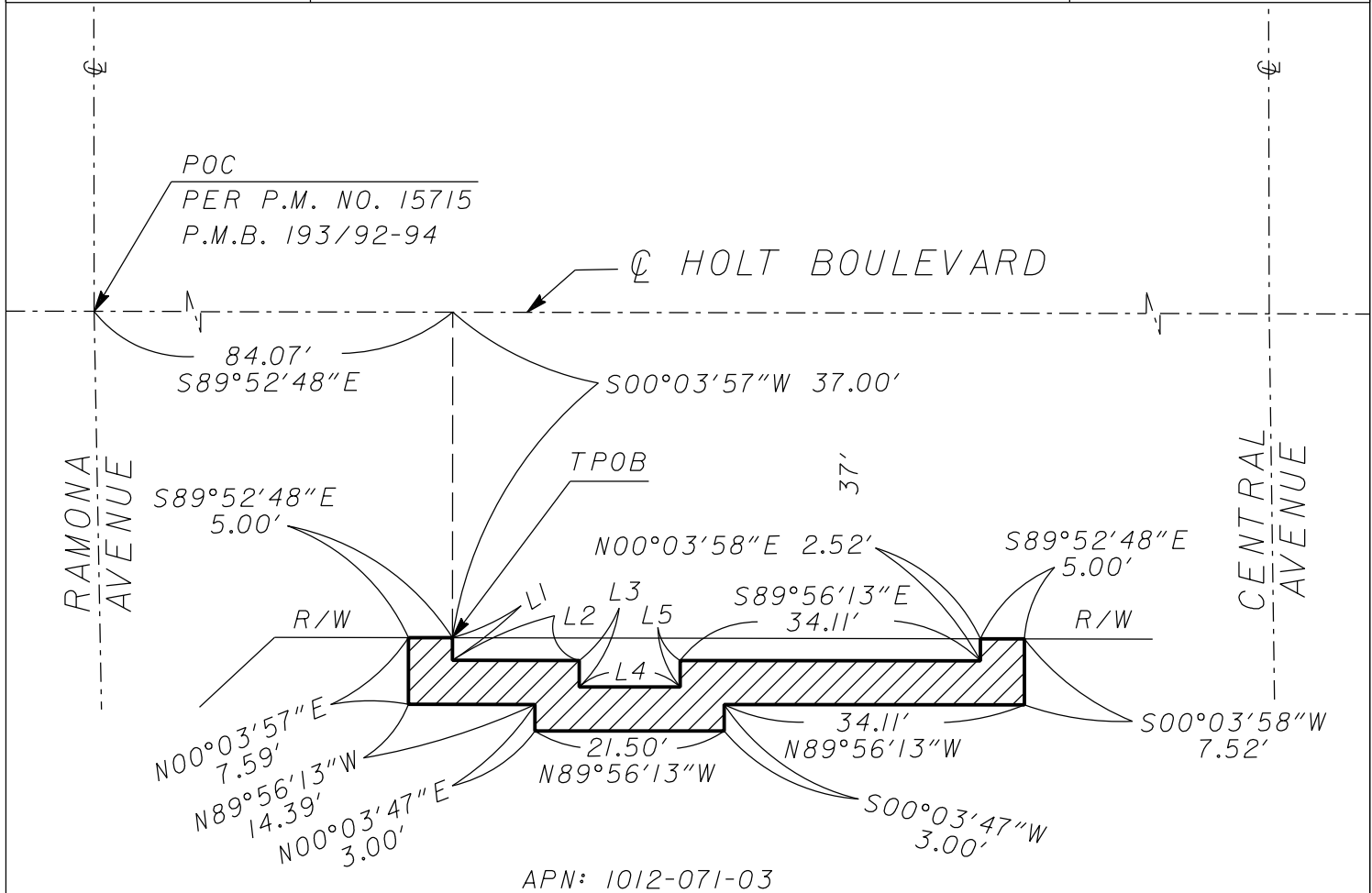
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1012-071-03	TEMPORARY CONSTRUCTION EASEMENT	406 SF



LINE TABLE

NO.	BEARING	DISTANCE
L1	S00°03'57"W	2.58'
L2	S89°56'13"E	14.39'
L3	S00°03'47"W	3.00'
L4	S89°56'13"E	11.50'
L5	N00°03'47"E	3.00'

PARCEL 2
PARCEL MAP 15715
P.M.B. 193/92-94

CITY OF MONTCLAIR
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

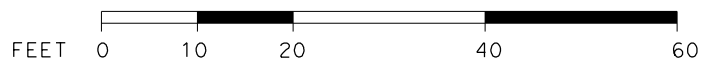
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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

NB

SCALE

1"=20'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1012-071-03 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85497) S 0°03'57" W	2.58	1845451.526	6650482.676	0.000
POT (	85498) S 89°56'13" E	14.39	1845448.943	6650482.673	0.000
POT (	85499) S 0°03'47" W	3.00	1845448.927	6650497.067	0.000
POT (	85500) S 89°56'13" E	11.50	1845445.927	6650497.063	0.000
POT (	85501) N 0°03'47" E	3.00	1845445.915	6650508.563	0.000
POT (	85502) S 89°56'13" E	34.11	1845448.915	6650508.567	0.000
POT (	85503) N 0°03'58" E	2.52	1845448.877	6650542.673	0.000
POT (	85504) S 89°52'48" E	5.00	1845451.400	6650542.676	0.000
POT (	85505) S 0°03'58" W	7.52	1845451.390	6650547.676	0.000
POT (	85506) N 89°56'13" W	34.11	1845443.871	6650547.667	0.000
POT (	85507) S 0°03'47" W	3.00	1845443.909	6650513.561	0.000
POT (	85508) N 89°56'13" W	21.50	1845440.909	6650513.558	0.000
POT (	85509) N 0°03'47" E	3.00	1845440.933	6650492.058	0.000
POT (	85510) N 89°56'13" W	14.39	1845443.933	6650492.061	0.000
POT (	85511) N 0°03'57" E	7.59	1845443.949	6650477.667	0.000
POT (	85512) S 89°52'48" E	5.00	1845451.536	6650477.676	0.000
POT (	85497)		1845451.526	6650482.676	0.000

Northing Error: 0.000 ft
 Easting Error: -0.000 ft
 Closing Direction: S 25°00'50" E
 Closing Distance: 0.000 ft
 Closed Area: 405.5 sq ft (0.0 ac)
 Perimeter: 172.212 ft
 Precision: 2543556.416

RESOLUTION OF NECESSITY No. 22-104

**1401 HOLT INVESTMENTS, LLC, A
CALIFORNIA LIMITED LIABILITY
COMPANY PROPERTY**

(APN 1011-111-05)

RESOLUTION NO. 22-104

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. 1011-111-05

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, a portion of the real property located at 1401 W. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1011-111-05 (the “Property”) is required for the Project. The specific portion of the Property required for the Project is an approximate 1,208 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “1” hereto (the “Subject Property Interest”); and

WHEREAS, to the extent the Subject Property Interest 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 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 May 4, 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 proceedings 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 portions of the Subject Property Interest 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 Interest, or any portions 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 portions thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interest, 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 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 May 4, 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 May 4, 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: 1011-111-05

That portion of Lot 8 of Nemaha Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on map recorded in Book 11, Pages 47 of Maps, in the office of the County Recorder of said County, said portion of lot more particularly described in the Grant Deed recorded September 24, 2019 as Document No. 2019-0342579, of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Oaks Avenue and Holt Boulevard, as shown on Parcel Map No. 8202 filed in Book 87, Page 66 of Parcel Maps in the office of said County Recorder;

Thence along the centerline of said Holt Boulevard South 89°36'21" West 174.99 feet to the intersection with the northerly prolongation of the easterly line of said Lot 8 of said Tract Map;

Thence leaving said centerline South 00°44'22" East 50.00 feet to the northeasterly corner of said land described in said Grant Deed, and the **True Point of Beginning**;

Thence along the easterly line of said land South 00°44'22" East 1.55 feet;

Thence leaving said easterly line South 89°23'52" West 29.35 feet;

Thence South 00°30'00" East 25.87 feet;

Thence South 89°36'04" West 33.54 feet;

Thence North 00°43'17" West 4.35 feet;

Thence South 89°16'45" West 3.97 feet;

Thence North 00°43'17" West 1.90 feet;

Thence South 89°16'43" West 3.21 feet;

Thence North 00°09'23" West 19.07 feet;

Thence South 89°41'15" West 20.54 feet;

Thence South 00°35'05" East 2.06 feet;

Thence South 89°44'12" West 3.20 feet;

Thence North 01°34'38" West 2.09 feet;

Thence South 88°56'05" West 3.12 feet;

Thence South 00°11'41" West 1.31 feet;

Thence South 89°36'04" West 3.08 feet to the westerly line of said land;

Thence along the said westerly line North 00°44'22" West 3.53 feet to the northwesterly corner of said land;


Thence along the northerly line of said Lot 8 North 89°36'21" East 100.00 feet to the **True Point of Beginning.**

Containing 1,208 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: 04/26/2021

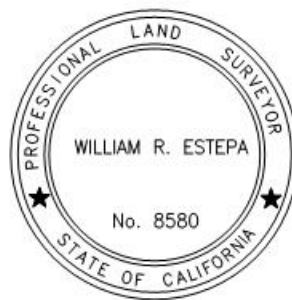
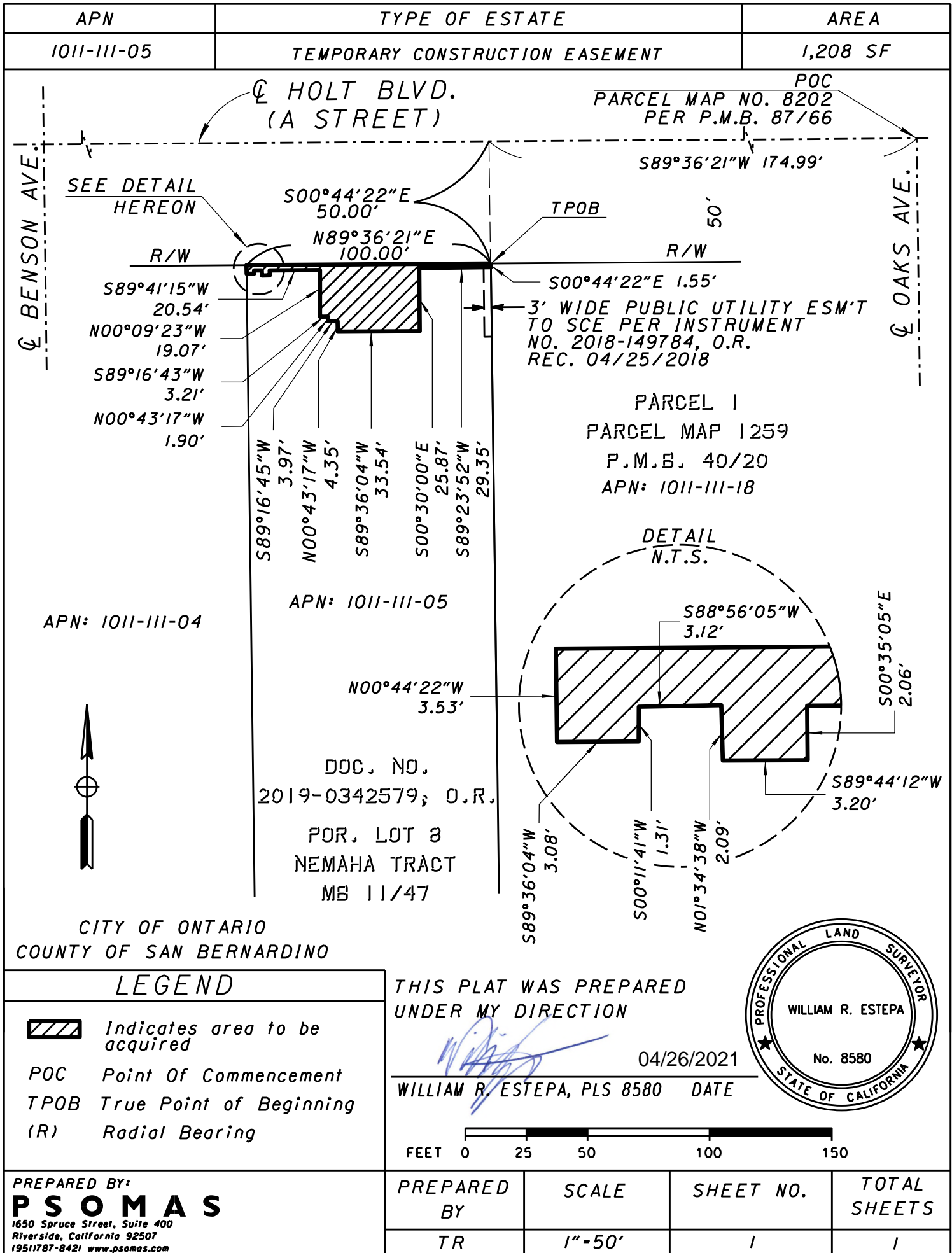


EXHIBIT B



Project Name: Default
Description:
Horizontal Alignment Name: APN 1011-111-05 Closure
Description: TCE
Style: Default

		STATION	NORTHING	EASTING
Element: Linear				
POB (70047)		-1+58.22	1845518.22	6659474.68
PI (70048)		-1+56.67	1845516.67	6659474.70
Tangent Direction:	S	0^44'22" E		
Tangent Length:		1.55		
Element: Linear				
PI (70048)		-1+56.67	1845516.67	6659474.70
PI (70049)		-1+27.32	1845516.36	6659445.35
Tangent Direction:	S	89^23'52" W		
Tangent Length:		29.35		
Element: Linear				
PI (70049)		-1+27.32	1845516.36	6659445.35
PI (70050)		-1+01.45	1845490.50	6659445.57
Tangent Direction:	S	0^30'00" E		
Tangent Length:		25.87		
Element: Linear				
PI (70050)		-1+01.45	1845490.50	6659445.57
PI (70051)		-0+67.91	1845490.26	6659412.03
Tangent Direction:	S	89^36'04" W		
Tangent Length:		33.54		
Element: Linear				
PI (70051)		-0+67.91	1845490.26	6659412.03
PI (70052)		-0+63.56	1845494.61	6659411.98
Tangent Direction:	N	0^43'17" W		
Tangent Length:		4.35		
Element: Linear				
PI (70052)		-0+63.56	1845494.61	6659411.98
PI (70053)		-0+59.58	1845494.56	6659408.00
Tangent Direction:	S	89^16'45" W		
Tangent Length:		3.97		
Element: Linear				
PI (70053)		-0+59.58	1845494.56	6659408.00
PI (70054)		-0+57.68	1845496.46	6659407.98
Tangent Direction:	N	0^43'17" W		
Tangent Length:		1.90		
Element: Linear				
PI (70054)		-0+57.68	1845496.46	6659407.98
PI (70055)		-0+54.48	1845496.42	6659404.77
Tangent Direction:	S	89^16'43" W		
Tangent Length:		3.21		
Element: Linear				
PI (70055)		-0+54.48	1845496.42	6659404.77
PI (70056)		-0+35.41	1845515.49	6659404.72
Tangent Direction:	N	0^09'23" W		
Tangent Length:		19.07		
Element: Linear				
PI (70056)		-0+35.41	1845515.49	6659404.72
PI (70057)		-0+14.87	1845515.37	6659384.18
Tangent Direction:	S	89^41'15" W		
Tangent Length:		20.54		
Element: Linear				
PI (70057)		-0+14.87	1845515.37	6659384.18
PI (70058)		-0+12.81	1845513.32	6659384.20
Tangent Direction:	S	0^35'05" E		
Tangent Length:		2.06		
Element: Linear				
PI (70058)		-0+12.81	1845513.32	6659384.20
PI (70059)		-0+09.61	1845513.30	6659380.99
Tangent Direction:	S	89^44'12" W		
Tangent Length:		3.20		

Element: Linear			
PI (70059)	-0+09.61	1845513.30	6659380.99
PI (70060)	-0+07.52	1845515.40	6659380.94
Tangent Direction:	N 1^34'38" W		
Tangent Length:	2.09		
Element: Linear			
PI (70060)	-0+07.52	1845515.40	6659380.94
PI (70061)	-0+04.40	1845515.34	6659377.82
Tangent Direction:	S 88^56'05" W		
Tangent Length:	3.12		
Element: Linear			
PI (70061)	-0+04.40	1845515.34	6659377.82
PI (70062)	-0+03.08	1845514.03	6659377.81
Tangent Direction:	S 0^11'41" W		
Tangent Length:	1.31		
Element: Linear			
PI (70062)	-0+03.08	1845514.03	6659377.81
PI (70063)	0+00.00	1845514.00	6659374.73
Tangent Direction:	S 89^36'04" W		
Tangent Length:	3.08		
Element: Linear			
PI (70063)	0+00.00	1845514.00	6659374.73
PI (70046)	0+03.53	1845517.53	6659374.68
Tangent Direction:	N 0^44'22" W		
Tangent Length:	3.53		
Element: Linear			
PI (70046)	0+03.53	1845517.53	6659374.68
POE (70047)	1+03.53	1845518.22	6659474.68
Tangent Direction:	N 89^36'21" E		
Tangent Length:	100.00		
Area:	1207.6 sq.feet	0.0 acres	

RESOLUTION OF NECESSITY No. 22-106

RONALD A. HENDRICKSON & SUSAN C.
HENDRICKSON, TRUSTEES UTD
NOVEMBER 5, 2007, FBO RONALD A.
HENDRICKSON & SUSAN C.
HENDRICKSON; WILLIAM K. HARDEN &
JUDITH L. HARDEN; GARY HARDEN; AND
MICHAEL HARDEN PROPERTY
(APN 1011-121-13)

RESOLUTION NO. 22-106

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. 1011-121-13

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, a portion of the real property located at 1235-1237 W. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1011-121-13 (the "Property") is required for the Project. The specific portion of the Property required for the Project is an approximate 3,037 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit "1" hereto (the "Subject Property Interest"); and

WHEREAS, to the extent the Subject Property Interest 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 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 May 4, 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 proceedings 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 portions of the Subject Property Interest 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 Interest, or any portions 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 portions thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interest, 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 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 May 4, 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 May 4, 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: 1011-121-13

That portion of Parcel 1 of Parcel Map No. 1112, in the City of Ontario, County of San Bernardino, State of California, per map filed in Book 10, Page 44 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Beginning at the northeasterly corner of said Parcel 1;

thence along the northerly line of said Parcel 1 South 89°36'21" West 132.01 feet to the northwesterly corner of said Parcel 1;

thence along the westerly line of said Parcel 1 South 00°36'46" East 23.44 feet;

thence leaving said westerly line North 89°36'04" East 53.28 feet;

thence North 00°23'56" West 6.00 feet;

thence North 89°36'04" East 49.09 feet;

thence South 00°23'56" East 14.00 feet;

thence North 89°36'04" East 29.71 feet to the easterly line of said Parcel 1;

thence along said easterly line North 00°40'54" West 31.43 feet to the **Point of Beginning**.

Containing 3,037 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).

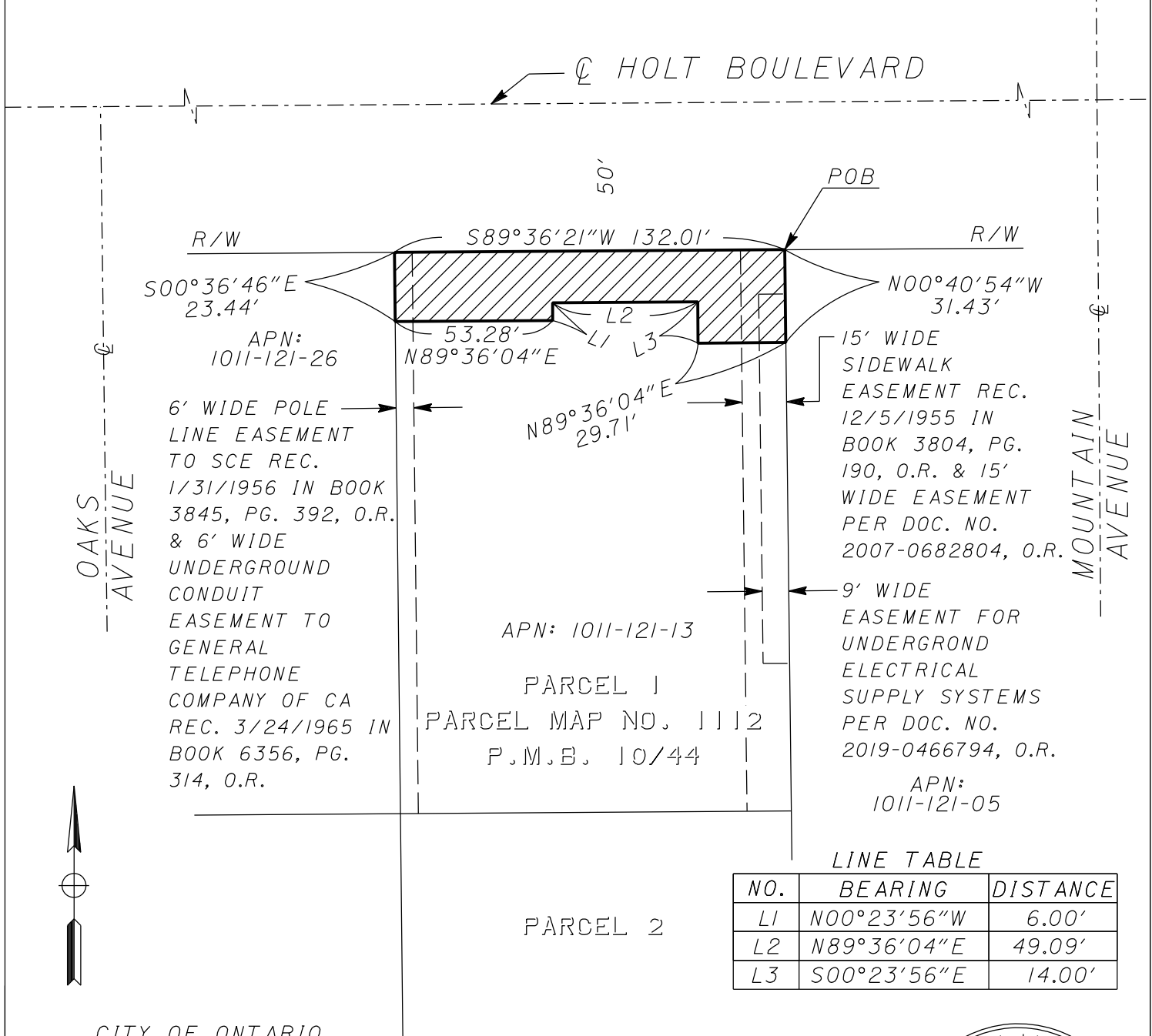
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/30/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-121-13	TEMPORARY CONSTRUCTION EASEMENT	3,037 SF



LINE TABLE

NO.	BEARING	DISTANCE
L1	N00°23'56"W	6.00'
L2	N89°36'04"E	49.09'
L3	S00°23'56"E	14.00'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

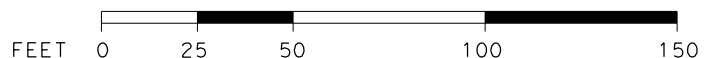
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

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

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1011-121-13 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85821)		1845525.53	6660537.27	0.00
	S 89°36'21" W	132.01			
PI (	85826)		1845524.62	6660405.26	0.00
	S 0°36'46" E	23.44			
PI (	85827)		1845501.18	6660405.51	0.00
	N 89°36'04" E	53.28			
PI (	85828)		1845501.55	6660458.80	0.00
	N 0°23'56" W	6.00			
PI (	85829)		1845507.55	6660458.75	0.00
	N 89°36'04" E	49.09			
PI (	85830)		1845507.89	6660507.84	0.00
	S 0°23'56" E	14.00			
PI (	85831)		1845493.89	6660507.94	0.00
	N 89°36'04" E	29.71			
PI (	85825)		1845494.10	6660537.65	0.00
	N 0°40'54" W	31.43			
POE (	85821)		1845525.53	6660537.27	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: S 74°06'53" W
 Closing Distance: 0.00 ft
 Closed Area: 3037.47 sq ft (0.07 ac)
 Perimeter: 338.97 ft
 Precision: 137007.66

RESOLUTION OF NECESSITY No. 22-109
SYLVERIO MALAGON, A SINGLE MAN, AS
HIS SOLE AND SEPARATE PROPERTY
(APNS 1010-552-14 & 1010-552-15)

RESOLUTION NO. 22-109

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. 1010-552-14 & 1010-552-15

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 1542 W. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1010-552-14 and 1010-552-15 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 128 square foot permanent easement on APN 1010-552-15 legally described and depicted in Exhibit "1" hereto, and a total approximate 1,035 square foot temporary construction easement with a term of twenty-four months, consisting of an approximate 274 square foot temporary construction easement with a term of twenty-four months on APN 1010-552-14 legally described and depicted in Exhibit "2" hereto, and an approximate 761 square foot temporary construction easement with a term of twenty-four months on APN 1010-552-15 legally described and depicted in Exhibit "3" 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 May 4, 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 proceedings 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 "3" 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 May 4, 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 May 4, 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: 1010-552-15

That portion of Lot 31, Tract No. 2676, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 37, Pages 90 and 91 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard, formerly known as A Street, and Benson Avenue as shown on said Tract No. 2676;

thence along the centerline of said Holt Boulevard North 89°36'21" East 44.00 feet to the southerly prolongation of a line that is parallel with and 11.00 feet easterly of the westerly line of said Lot 31;

thence along said southerly prolongation North 00°09'10" West 62.18 feet to the southerly line of said Lot 31 and the **True Point of Beginning**;

thence continuing along said parallel line North 00°09'10" West 14.22 feet;

thence leaving said parallel line South 45°15'47" East 23.16 feet to said southerly line;

thence along said southerly line South 89°42'06" West 7.33 feet to a non-tangent curve, concave northeasterly having a radius of 20.00 feet, a radial line to said curve bears South 00°23'22" East;

thence westerly 9.42 feet along said curve and said southerly line through a central angle of 26°58'49" to the **True Point of Beginning**.

Parcel contains 128 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).

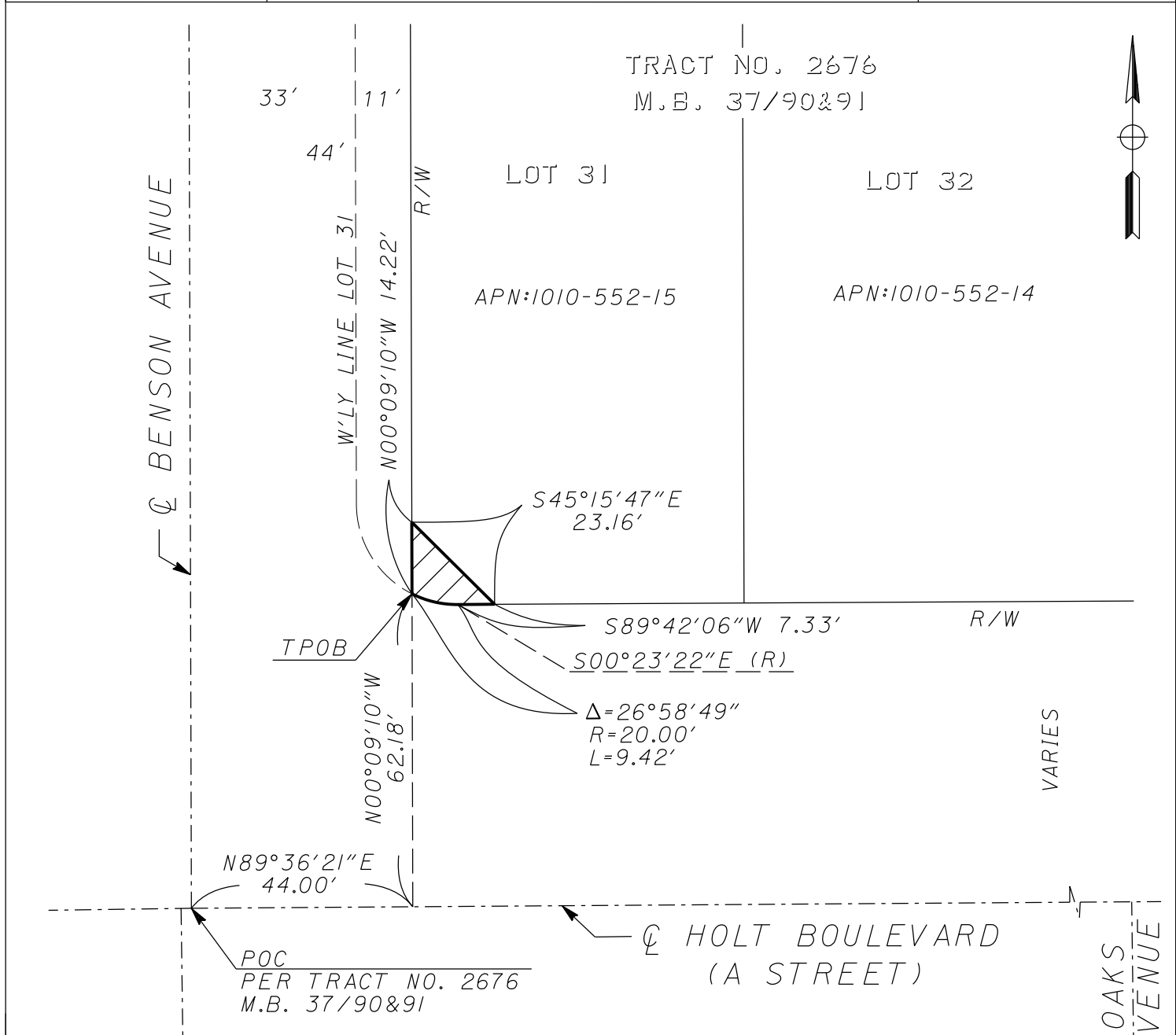
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/1/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1010-552-15	EASEMENT DEED OF RIGHT OF WAY DEDICATION	128 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

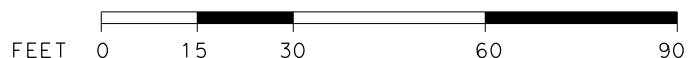
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/1/2021

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"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1010-552-15 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65285)		1845622.86	6658378.66	0.00
	N 0°09'10" W	14.22			
PI (	65286)		1845637.08	6658378.62	0.00
	S 45°15'47" E	23.16			
PI (	65287)		1845620.77	6658395.08	0.00
	S 89°42'06" W	7.33			
BC (	65288)		1845620.74	6658387.75	0.00
	Radius:	20.00			
	Delta:	26°58'49"			
	Length:	9.42			
	Chord:	9.33			
	Tangent:	4.80			
	Middle Ordinate:	0.55			
	External:	0.57			
	N 0°23'22" W (Radial)				
CC (	65289)		1845640.74	6658387.61	0.00
	N 76°51'38" W (Chord)				
	N 26°35'27" E (Radial)				
EC (	65285)		1845622.86	6658378.66	0.00

Northing Error: 0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: S 53°05'45" E
 Closing Distance: 0.00 ft
 Closed Area: 128.06 sq ft (0.00 ac)
 Perimeter: 54.13 ft
 Precision: 22188.55

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1010-552-14

That portion of Lot 32 of Tract No. 2676, in the City of Ontario, County of San Bernardino, State of California, as shown on map recorded in Book 37, Pages 90 and 91 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Benson Avenue and Holt Boulevard, as shown on Parcel Map No. 8202 filed in Book 87, Page 66 of Parcel Maps in the office of said County Recorder of said County;

Thence along the centerline of said Holt Boulevard North $89^{\circ}36'21''$ East 109.95 feet to the intersection with the southerly prolongation of the westerly line of said Lot 32 of said Tract Map;

Thence leaving said centerline North $00^{\circ}08'49''$ West 59.90 feet to the southwesterly corner of said Lot 32, and the **True Point of Beginning**;

Thence along the westerly line of said Lot 32 North $00^{\circ}08'49''$ West 3.00 feet;

Thence leaving said westerly line North $89^{\circ}36'04''$ East 72.83 feet;

Thence North $00^{\circ}23'56''$ West 9.00 feet;

Thence North $89^{\circ}36'04''$ East 4.21 feet to the easterly line of said Lot 32;

Thence along said easterly line South $00^{\circ}08'49''$ East 12.13 feet to the southeasterly corner of said Lot 32;

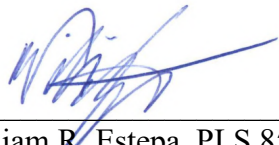
Thence along the southerly line of said Lot 32 South $89^{\circ}42'06''$ West 77.00 feet to the **True Point of Beginning**.

Containing 274 square feet, more or less.

The bearings and distances used in the above description are based on the California coordinate system of 1983, (CCS83), Zone 5, Epoch 2007.00 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: 04/02/2021

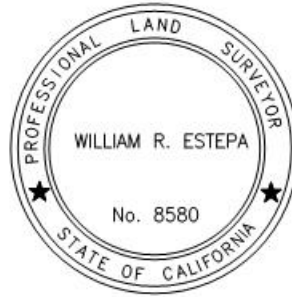
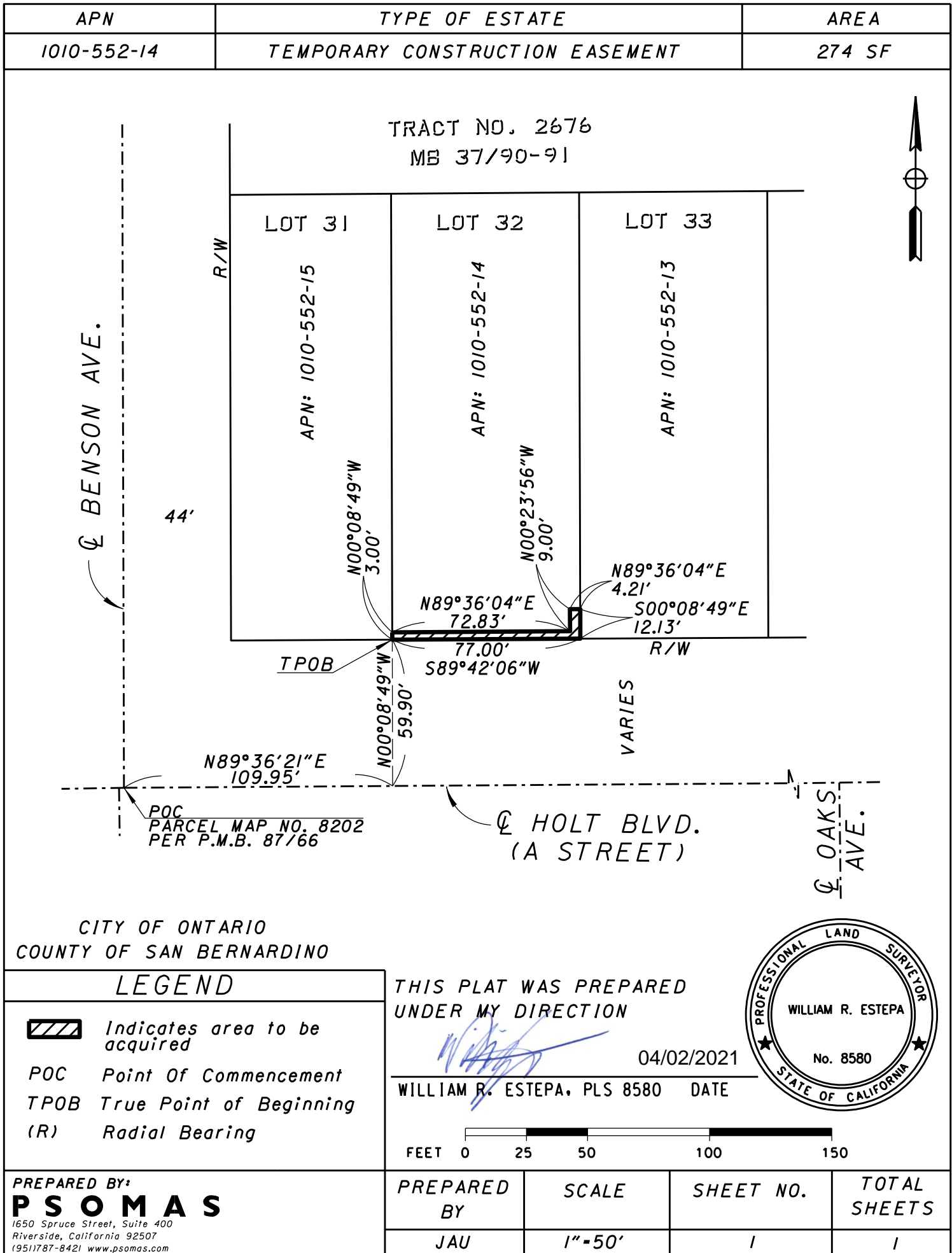


EXHIBIT B



Project Name: Default
Description:
Horizontal Alignment Name: APN 1010-552-14 Closure
Description: TCE
Style: Default

	STATION	NORTHING	EASTING
Element: Linear			
POB (70002)	0+00.00	1845621.03	6658444.63
PI (70003)	0+03.00	1845624.03	6658444.62
Tangent Direction:	N 0^08'49" W		
Tangent Length:	3.00		
Element: Linear			
PI (70003)	0+03.00	1845624.03	6658444.62
PI (70004)	0+75.82	1845624.54	6658517.44
Tangent Direction:	N 89^36'04" E		
Tangent Length:	72.83		
Element: Linear			
PI (70004)	0+75.82	1845624.54	6658517.44
PI (70005)	0+84.82	1845633.54	6658517.38
Tangent Direction:	N 0^23'56" W		
Tangent Length:	9.00		
Element: Linear			
PI (70005)	0+84.82	1845633.54	6658517.38
PI (70006)	0+89.04	1845633.57	6658521.59
Tangent Direction:	N 89^36'04" E		
Tangent Length:	4.21		
Element: Linear			
PI (70006)	0+89.04	1845633.57	6658521.59
PI (70007)	1+01.17	1845621.43	6658521.62
Tangent Direction:	S 0^08'49" E		
Tangent Length:	12.13		
Element: Linear			
PI (70007)	1+01.17	1845621.43	6658521.62
POE (70002)	1+78.17	1845621.03	6658444.63
Tangent Direction:	S 89^42'06" W		
Tangent Length:	77.00		
Area:	273.7 sq.feet	0.0 acres	

EXHIBIT “3”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1010-552-15

That portion of Lot 31, Tract No. 2676, in the City of Ontario, County of San Bernardino, State of California, per map recorded in Book 37, Pages 90 and 91 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard, formerly known as A Street, and Benson Avenue as shown on said Tract No. 2676;

thence along the centerline of said Holt Boulevard North 89°36'21" East 44.00 feet to the southerly prolongation of a line that is parallel with and 11.00 feet easterly of the westerly line of said Lot 31;

thence along said southerly prolongation and said parallel line North 00°09'10" West 76.40 feet to the **True Point of Beginning**;

thence leaving said parallel line South 45°15'47" East 23.16 feet to the southerly line of said Lot 31;

thence along said southerly line North 89°42'06" East 49.55 feet to the southeasterly corner of said Lot 31;

thence along the easterly line of said Lot 31 North 00°08'49" West 3.00 feet;

thence leaving said easterly line South 89°36'04" West 21.61 feet;

thence North 00°23'56" West 1.00 feet;

thence South 89°36'04" West 5.00 feet;

thence North 00°23'56" West 13.06 feet;

thence North 89°44'27" West 32.47 feet;

thence North 01°04'59" West 20.32 feet;

thence South 89°52'23" West 6.49 feet to said parallel line;

thence along said parallel line South 00°09'10" East 21.28 feet to the **True Point of Beginning**.

Parcel contains 761 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).

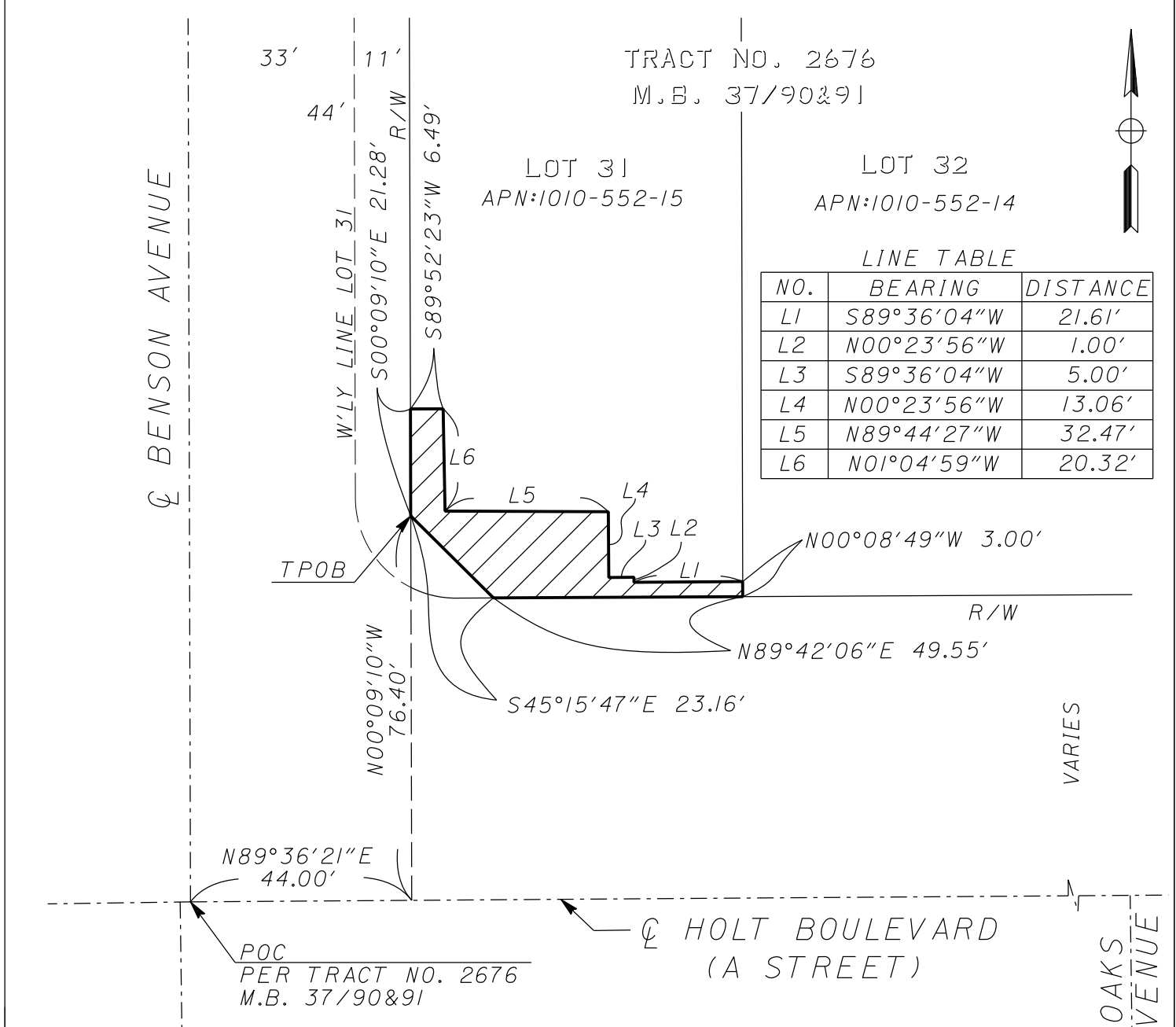
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/1/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1010-552-15	TEMPORARY CONSTRUCTION EASEMENT	761 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

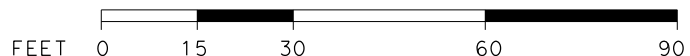


Indicates area to be acquired

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

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 6/1/2021
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
JS	1"=30'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1010-552-15 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65286)		1845637.08	6658378.62	0.00
	S 45°15'47" E	23.16			
PI (	65287)		1845620.77	6658395.08	0.00
	N 89°42'06" E	49.55			
PI (	65298)		1845621.03	6658444.63	0.00
	N 0°08'49" W	3.00			
PI (	65297)		1845624.03	6658444.62	0.00
	S 89°36'04" W	21.61			
PI (	65296)		1845623.88	6658423.01	0.00
	N 0°23'56" W	1.00			
PI (	65295)		1845624.88	6658423.01	0.00
	S 89°36'04" W	5.00			
PI (	65294)		1845624.84	6658418.01	0.00
	N 0°23'56" W	13.06			
PI (	65293)		1845637.90	6658417.92	0.00
	N 89°44'27" W	32.47			
PI (	65292)		1845638.05	6658385.45	0.00
	N 1°04'59" W	20.32			
PI (	65291)		1845658.37	6658385.06	0.00
	S 89°52'23" W	6.49			
PI (	65290)		1845658.35	6658378.57	0.00
	S 0°09'10" E	21.28			
POE (	65286)		1845637.08	6658378.62	0.00

Northing Error: 0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: S 84°15'04" E
 Closing Distance: 0.00 ft
 Closed Area: 761.21 sq ft (0.02 ac)
 Perimeter: 196.93 ft
 Precision: 198000.96

RESOLUTION OF NECESSITY No. 22-111

**GREGORY L. JOHNSON & THEA M.
JOHNSON, CO-TRUSTEES OF THE
JOHNSON FAMILY TRUST ESTABLISHED
JUNE 9, 2011 PROPERTY
(APN 1011-111-21)**

RESOLUTION NO. 22-111

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. 1011-111-21

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 1511 W. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1011-111-21 (the "Property") are required for the Project. The specific portions of the Property required for the Project consist of a total approximate 638 square foot temporary construction easement area with a term of twenty-four months legally described and depicted in Exhibit "1" hereto (the "Subject Property Interests"). The approximate 638 square foot Subject Property Interests consist of an approximate 519 square foot area on the Property designated in Exhibit "1" as Parcel A and an approximate 119 square foot area on the Property designated as Parcel B; 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 May 4, 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 proceedings 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" 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 portions 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 portions 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 portions 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 May 4, 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 May 4, 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: 1011-111-21

That portion of Parcel 2 of Parcel Map 8566, in the City of Ontario, County of San Bernardino, State of California, as shown on map filed in Book 95, Pages 50 and 51 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Parcel A

Commencing at the centerline intersection of Oaks Avenue and Holt Boulevard, as shown on Parcel Map No. 8202 filed in Book 87, Page 66 of Parcel Maps in the office of said County Recorder;

Thence along the centerline of said Holt Boulevard South $89^{\circ}36'21''$ West 526.76 feet to the intersection with the northerly prolongation of the easterly line of said Parcel 2 of said Parcel Map;

Thence leaving said centerline South $00^{\circ}46'23''$ East 60.00 feet along said prolongation and said easterly line to the **True Point of Beginning**;

Thence continuing along said easterly line of said Parcel 2 South $00^{\circ}46'23''$ East 15.55 feet;

Thence leaving said easterly line South $89^{\circ}36'04''$ West 33.42 feet;

Thence North $00^{\circ}23'56''$ West 15.55 feet to a line that is parallel with and 60.00 feet southerly of the centerline of said Holt Boulevard, said point hereinafter referred to as **Point 'A'**;

Thence along said parallel line North $89^{\circ}36'21''$ East 33.22 feet to the **True Point of Beginning**.

Containing 519 square feet, more or less.

Parcel B

Commencing at the above-described **Point 'A'**;

Said **Pont 'A'** being on a line that is parallel with and 60.00 feet southerly of the centerline of said Holt Boulevard;

Thence South 89°36'21" West 166.20 feet along said parallel line to the **True Point of Beginning**;

Thence South 00°23'56" East 19.57 feet;

Thence South 89°36'04" West 6.02 feet to the westerly line of said Parcel 2;

Thence along the said westerly line North 00°46'23" West 19.57 feet to said parallel line;

Thence along said parallel line North 89°36'21" East 6.14 feet to the **True Point of Beginning**.

Containing 119 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: 04/28/2021

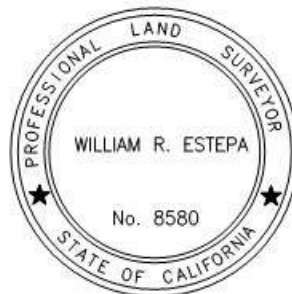
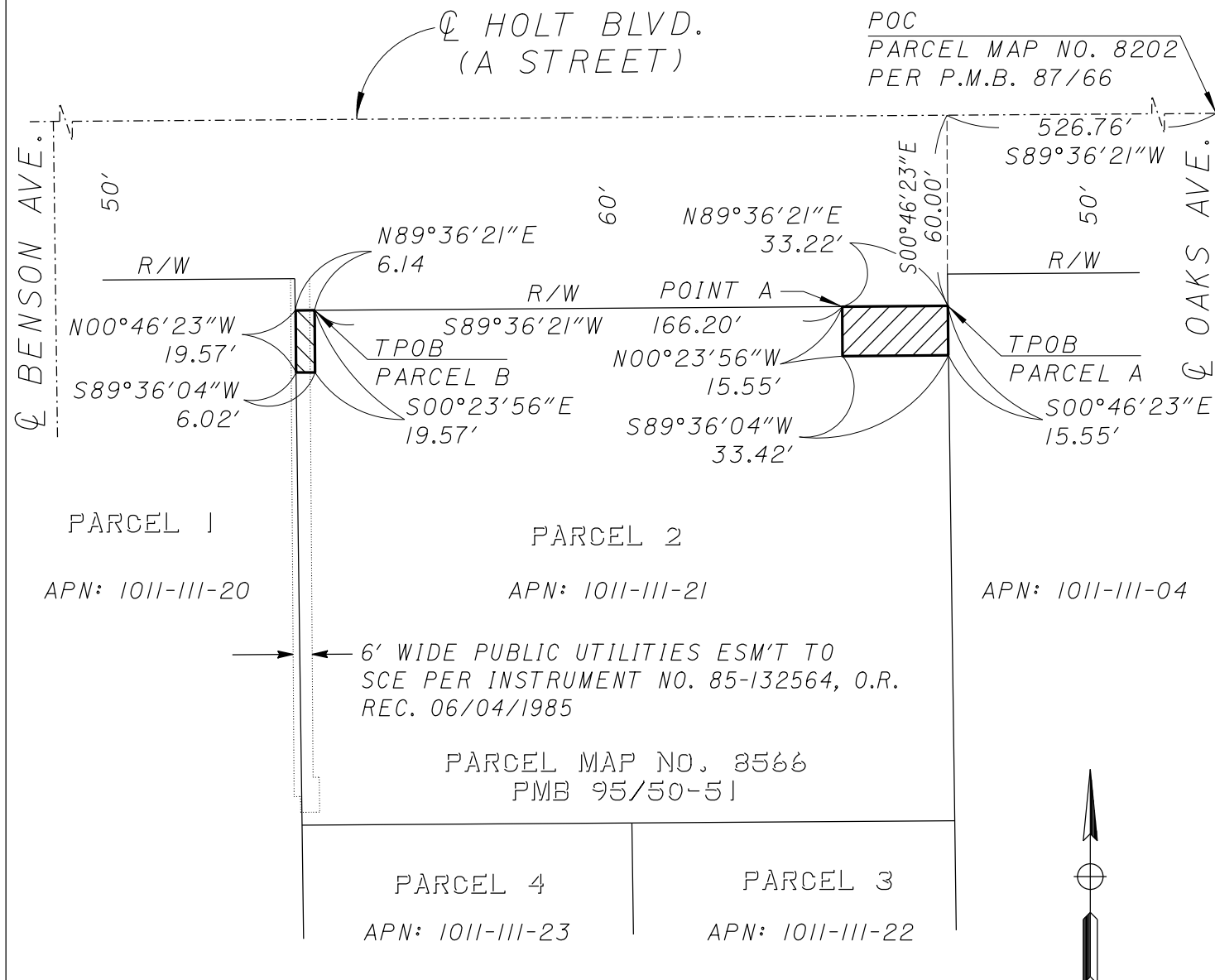


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1011-III-21	TEMPORARY CONSTRUCTION EASEMENT	519 SF PARCEL A
		119 SF PARCEL B



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

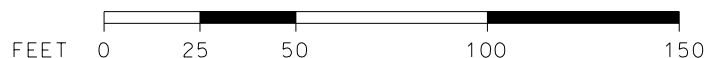
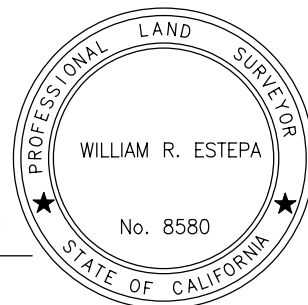
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

04/28/2021

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: Default
Description:
Horizontal Alignment Name: APN 1011-111-21 Parcel A Closure
Description: TCE Closure
Style: Default

	STATION	NORTHING	EASTING
Element: Linear			
POB (70096)	-0+48.97	1845505.80	6659123.07
PI (70042)	-0+33.42	1845490.25	6659123.28
Tangent Direction:	S 0^46'23" E		
Tangent Length:	15.55		
Element: Linear			
PI (70042)	-0+33.42	1845490.25	6659123.28
PI (70097)	0+00.00	1845490.02	6659089.86
Tangent Direction:	S 89^36'04" W		
Tangent Length:	33.42		
Element: Linear			
PI (70097)	0+00.00	1845490.02	6659089.86
PI (70098)	0+15.55	1845505.57	6659089.75
Tangent Direction:	N 0^23'56" W		
Tangent Length:	15.55		
Element: Linear			
PI (70098)	0+15.55	1845505.57	6659089.75
POE (70096)	0+48.87	1845505.80	6659123.07
Tangent Direction:	N 89^36'21" E		
Tangent Length:	33.32		
Area:	518.9 sq.feet	0.0 acres	

Project Name: Default
Description:
Horizontal Alignment Name: APN 1011-111-21 Parcel B Closure
Description: TCE Closure
Style: Default

	STATION	NORTHING	EASTING
Element: Linear			
POB (70099)	-0+25.58	1845504.43	6658923.55
PI (70100)	-0+06.02	1845484.86	6658923.69
Tangent Direction:	S 0^23'56" E		
Tangent Length:	19.57		
Element: Linear			
PI (70100)	-0+06.02	1845484.86	6658923.69
PI (70039)	0+00.00	1845484.82	6658917.67
Tangent Direction:	S 89^36'04" W		
Tangent Length:	6.02		
Element: Linear			
PI (70039)	0+00.00	1845484.82	6658917.67
PI (70101)	0+19.57	1845504.39	6658917.41
Tangent Direction:	N 0^46'23" W		
Tangent Length:	19.57		
Element: Linear			
PI (70101)	0+19.57	1845504.39	6658917.41
POE (70099)	0+25.71	1845504.43	6658923.55
Tangent Direction:	N 89^36'21" E		
Tangent Length:	6.14		
Area:	119.0 sq.feet	0.0 acres	

RESOLUTION OF NECESSITY No. 22-112

**FRANK J. CUCCIA & SUSAN K. CUCCIA,
CO-TRUSTEES OF THE FRANK J. CUCCIA
FAMILY TRUST, DATED MAY 22, 1989
PROPERTY**

**(APNS 1010-543-01, 1010-543-02,
1010-543-03)**

RESOLUTION NO. 22-112

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. 1010-543-01, 1010-543-02, 1010-543-03

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, a portion of the real property located at 1206 W. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1010-543-01, 1010-543-02 and 1010-543-03 (the "Property") is required for the Project. The specific portion of the Property required for the Project is a total approximate 3,263 square foot temporary construction easement with a term of twenty-four months, consisting of an approximate 1,705 square foot temporary construction easement on APN 1010-543-01 described and depicted in Exhibit "1" hereto, an approximate 1,236 square foot temporary construction easement on APN 1010-543-02 described and depicted in Exhibit "2" hereto, and an approximate 322 square foot temporary construction easement on APN 1010-543-03 described and depicted in Exhibit "3" hereto (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 May 4, 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 proceedings 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 "3" 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 portions 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 portions 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 portions 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 May 4, 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 May 4, 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: 1010-543-01

That portion of Lot 1001, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, filed in Book 11, Page 6 of Maps in the office of the County Recorder of said County, as described as Parcel 1 in the Grant Deed recorded December 22, 2017 as Document No. 2017-0545719 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Mountain Avenue and Holt Boulevard, as shown on Parcel Map No. 1914 filed in Book 20, Page 100 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'21" West 736.82 feet to the southerly prolongation of the easterly line of said Parcel 1;

thence along said southerly prolongation North 00°23'03" West 50.00 feet to the **True Point of Beginning**;

thence along said easterly line North 00°23'03" West 6.59 feet;

thence leaving said easterly line South 89°36'04" West 43.80 feet;

thence North 00°23'56" West 12.00 feet;

thence South 89°36'04" West 60.00 feet;

thence South 00°23'56" East 14.00 feet;

thence South 89°36'04" West 65.68 feet to the westerly line of said Parcel 1;

thence along said westerly line South 00°26'12" East 4.58 feet to a line that is parallel with and 50.00 feet northerly of the centerline of said Holt Boulevard;

thence along said parallel line North 89°36'21" East 169.47 feet to the **True Point of Beginning**.

Parcel contains 1,705 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: 8/26/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1010-543-01	TEMPORARY CONSTRUCTION EASEMENT	1,705 SF

APN: 1010-543-02

PORTION OF
LOT 1001
MAP OF ONTARIO
M.B. 11/6

PARCEL 1
DOC. NO.
2017-0545719, O.R.
APN: 1010-543-01

APN: 1010-522-17

HOLT BOULEVARD

MOUNTAIN AVENUE

OAKS AVENUE

NO.	BEARING	DISTANCE
L1	N00°23'03"W	50.00'
L2	N00°23'03"W	6.59'
L3	S89°36'04"W	43.80'
L4	N00°23'56"W	12.00'

(A) - 2' WIDE PUBLIC UTILITY EASEMENT TO SCE PER BOOK 4258, PAGE 590, O.R.

(B) - UTILITY EASEMENT TO SCE PER DOCUMENT NO. 2018-149783, O.R.

POC PER PM NO. 1914, P.M.B. 20/100
S89°36'21"W 736.82'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

THIS PLAT WAS PREPARED UNDER MY DIRECTION

Teri Kahlen 8/26/2021
TERI KAHLEN, PLS 8746 DATE

LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

PROFESSIONAL LAND SURVEYOR

TERI KAHLEN

No. 8746

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
AU	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1010-543-01 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65725)		1845627.80	6660866.21	0.00
	N 0°23'03" W	6.59			
PI (	65735)		1845634.39	6660866.17	0.00
	S 89°36'04" W	43.80			
PI (	65737)		1845634.09	6660822.37	0.00
	N 0°23'56" W	12.00			
PI (	65738)		1845646.09	6660822.28	0.00
	S 89°36'04" W	60.00			
PI (	65739)		1845645.67	6660762.29	0.00
	S 0°23'56" E	14.00			
PI (	65740)		1845631.67	6660762.38	0.00
	S 89°36'04" W	65.68			
PI (	65743)		1845631.21	6660696.71	0.00
	S 0°26'12" E	4.58			
PI (	65744)		1845626.63	6660696.74	0.00
	N 89°36'21" E	169.47			
POE (	65725)		1845627.80	6660866.21	0.00

Northing Error: -0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: N 52°43'26" E
 Closing Distance: 0.01 ft
 Closed Area: 1705.03 sq ft (0.04 ac)
 Perimeter: 376.12 ft
 Precision: 56902.01

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1010-543-02

That portion of Lot 1001, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, filed in Book 11, Page 6 of Maps in the office of the County Recorder of said County, as described as Parcels 2 and 3 in the Grant Deed recorded December 22, 2017 as Document No. 2017-0545719 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Mountain Avenue and Holt Boulevard, as shown on Parcel Map No. 1914 filed in Book 20, Page 100 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard South 89°36'21" West 906.24 feet to the southerly prolongation of the easterly line of said Parcel 2;

thence along said southerly prolongation North 00°26'12" West 50.00 feet to a line that is parallel with and 50.00 feet northerly of the centerline of said Holt Boulevard and the **True Point of Beginning**;

thence along the parallel line South 89°36'21" West 103.99 feet to the westerly line of said Parcel 3;

thence along said westerly line North 00°26'12" West 15.57 feet;

thence leaving said westerly line North 89°36'04" East 69.22 feet;

thence South 01°01'16" East 7.12 feet;

thence South 09°54'50" West 3.94 feet;

thence North 89°36'04" East 35.40 feet to the easterly line of said Parcel 2;

thence along said easterly line South 00°26'12" East 4.58 feet to the **True Point of Beginning**.

Parcel contains 1,236 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.

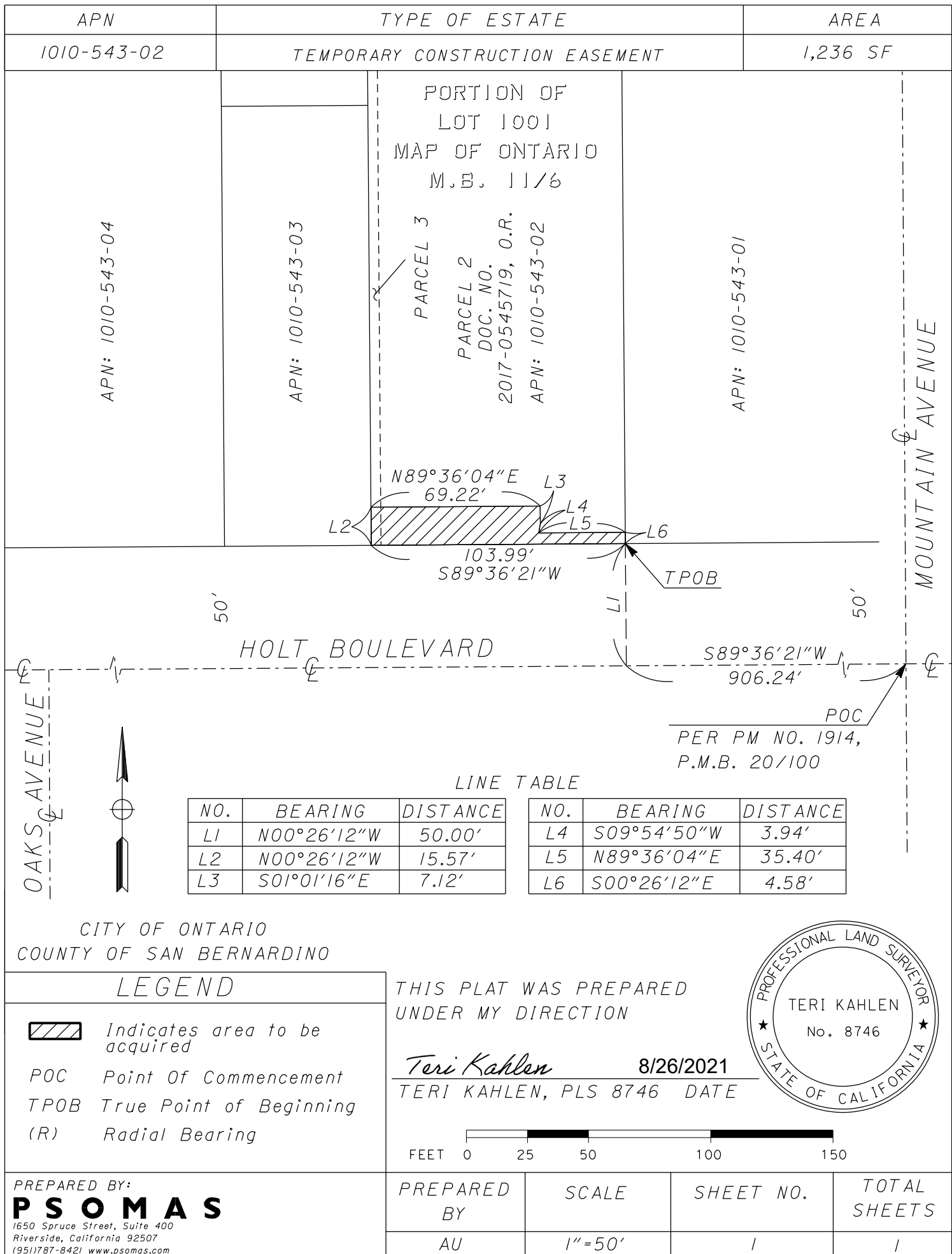
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/26/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1010-543-02
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65744)		1845626.63	6660696.74	0.00
	S 89°36'21" W	103.99			
PI (	65723)		1845625.92	6660592.76	0.00
	N 0°26'12" W	15.57			
PI (	65722)		1845641.49	6660592.64	0.00
	N 89°36'04" E	69.22			
PI (	65747)		1845641.97	6660661.86	0.00
	S 1°01'16" E	7.12			
PI (	65748)		1845634.85	6660661.99	0.00
	S 9°54'50" W	3.94			
PI (	65746)		1845630.97	6660661.31	0.00
	N 89°36'04" E	35.40			
PI (	65743)		1845631.21	6660696.71	0.00
	S 0°26'12" E	4.58			
POE (	65744)		1845626.63	6660696.74	0.00

Northing Error: 0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: S 63°48'29" E
 Closing Distance: 0.01 ft
 Closed Area: 1236.49 sq ft (0.03 ac)
 Perimeter: 239.83 ft
 Precision: 40688.19

EXHIBIT “3”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1010-543-03

That portion of Lot 1001, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described as Parcel 5 in the Grant Deed recorded December 22, 2017 as Document No. 2017-0545719 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 Parcel Map No. 1914, filed in Book 20, Page 100 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'21" West 1,070.23 feet to the southerly prolongation of the westerly line of said Parcel 5;

thence along said southerly prolongation North 00°26'12" West 50.00 feet to a line that is parallel with and 50.00 feet northerly of the centerline of said Holt Boulevard and the **True Point of Beginning**;

thence along the parallel line North 89°36'21" East 60.00 feet to the easterly line of said Parcel 5;

thence along said easterly line North 00°26'12" West 15.57 feet;

thence leaving said easterly line South 89°36'04" West 4.38 feet;

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

thence South 89°36'04" West 55.61 feet to the westerly line of said Parcel 5;

thence along said westerly line South 00°26'12" East 4.57 feet to the **True Point of Beginning**.

Parcel contains 322 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.

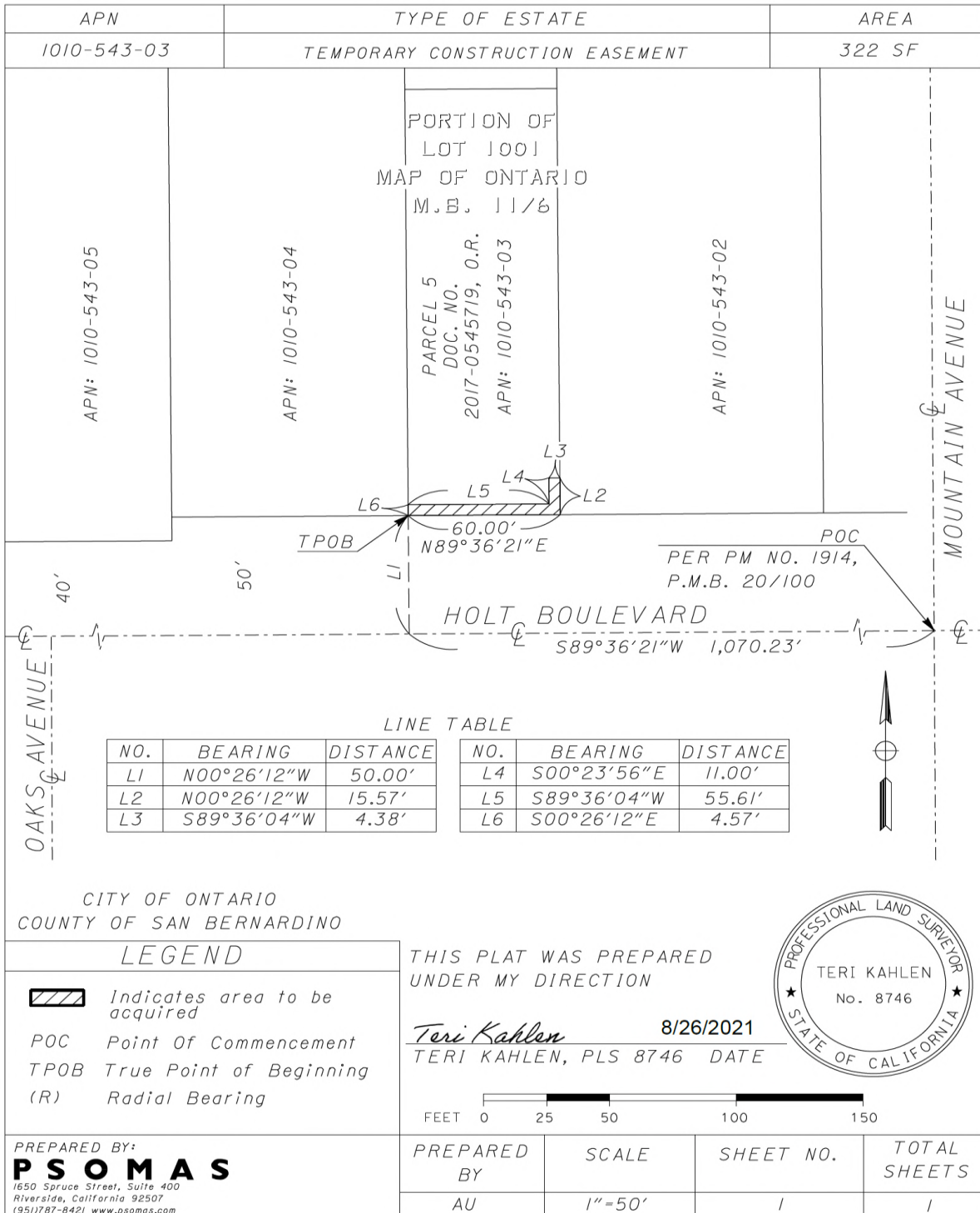
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/26/2021



EXHIBIT B



RESOLUTION OF NECESSITY No. 22-113
HBL FAMILY, LLC, A CALIFORNIA LIMITED
LIABILITY COMPANY PROPERTY
(APN 1010-611-12)

RESOLUTION NO. 22-113

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. 1010-611-12

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 5280 E. Holt Boulevard in the City of Montclair, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1010-611-12 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 418 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 456 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 Montclair 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 May 4, 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 Montclair 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 proceedings 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 May 4, 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 May 4, 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

APN: 1010-611-12

That portion of Lot 4, Block 22, Monte Vista Tract, in the City of Montclair, County of San Bernardino, State of California, as per map recorded in Book 11, Page 34 of Maps in the office of the County Recorder of said County, described in a Grant Deed recorded September 12, 2017 as Document No. 2017-0375456 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Central Avenue and Holt Boulevard, as shown on Parcel Map No. 1278, as per map filed in Book 11, Page 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°09'51" West 186.47 feet;

thence leaving said centerline North 01°07'25" West 62.67 feet to the northerly line of said Holt Boulevard per Grant Deed recorded March 7, 1934 in Book 943, Page 265 of said Official Records, and the **True Point of Beginning**;

thence continuing North 01°07'25" West 5.88 feet;

thence North 89°18'10" East 60.00 feet;

thence North 00°41'50" West 2.75 feet;

thence North 89°08'10" East 11.50 feet;

thence South 00°41'50" East 2.47 feet to the westerly line of said Central Avenue per Grant Deed recorded March 21, 1950 in Book 2548, Page 283 of said Official Records;

thence along said westerly line South 57°52'21" West 11.63 feet to said northerly line;

thence along said northerly line South 89°13'06" West 61.53 feet to the **True Point of Beginning**.

Containing 418 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
1010-611-12	EASEMENT	418 SF

6.50' PUBLIC UTILITY EASEMENT
IN FAVOR OF THE CITY OF
MONTCLAIR PER DOC. NO. 85-151097

FOR LOT 4
BLOCK 22
MONTE VISTA TRACT
M.B. 11/34

APN: 1010-611-12
DOC. NO. 2017-0375456

VARIES

W'LY LINE BK 2548,
PG. 283, O.R.
REC. 3/21/1950

N89°08'10"E 11.50'
N00°41'50"W 2.75'
N89°18'10"E 60.00'
S00°41'50"E 2.47'
S57°52'21"W 11.63'
S89°13'06"W 61.53'
N'LY LINE BK 943,
PG. 265, O.R.
REC. 3/7/1934
N01°07'25"W 62.67'
S89°09'51"W 186.47'

POC
PER PM NO. 1278
P.M.B. 11/48

RAMONA AVENUE

7.50' PUBLIC UTILITY EASEMENT
IN FAVOR OF THE CITY OF
MONTCLAIR PER DOC. NO. 85-151096

VARIES

R/W

TPOB

CL HOLT BOULEVARD

CITY OF MONTCLAIR
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 5/25/2021
TERI KAHLEN, PLS 8746 DATE

PROFESSIONAL LAND SURVEYOR
TERI KAHLEN
No. 8746
STATE OF CALIFORNIA

FEET 0 20 40 80 120

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

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

Map Check Report

Project: WVC - OC
 Alignment: 1010-611-12 ROW Esmt
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85202)		1845581.699	6655500.658	0.000
	N 1°07'25" W	5.88			
POT (	85203)		1845587.580	6655500.542	0.000
	N 89°18'10" E	60.00			
POT (	85204)		1845588.311	6655560.541	0.000
	N 0°41'50" W	2.75			
POT (	85205)		1845591.061	6655560.508	0.000
	N 89°18'10" E	11.50			
POT (	85206)		1845591.201	6655572.007	0.000
	S 0°41'50" E	2.47			
POT (	85207)		1845588.726	6655572.037	0.000
	S 57°52'21" W	11.63			
POT (	85208)		1845582.539	6655562.185	0.000
	S 89°13'06" W	61.53			
POT (	85202)		1845581.699	6655500.658	0.000

Northing Error: 0.005 ft
 Easting Error: 0.003 ft
 Closing Direction: S 30°03'27" W
 Closing Distance: 0.005 ft
 Closed Area: 418.3 sq ft (0.0 ac)
 Perimeter: 155.777 ft
 Precision: 29320.136

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1010-611-12

That portion of Lot 4, Block 22, Monte Vista Tract, in the City of Montclair, County of San Bernardino, State of California, as per map recorded in Book 11, Page 34 of Maps in the office of the County Recorder of said County, described in a Grant Deed recorded September 12, 2017 as Document No. 2017-0375456 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Central Avenue and Holt Boulevard, as shown on Parcel Map No. 1278, as per map filed in Book 11, Page 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°09'51" West 186.47 feet;

thence leaving said centerline North 01°07'25" West 62.67 feet to the northerly line of said Holt Boulevard per Grant Deed recorded March 7, 1934 in Book 943, Page 265 of said Official Records, and the **True Point of Beginning**;

thence continuing North 01°07'25" West 5.88 feet;

thence North 89°18'10" East 60.00 feet;

thence North 00°41'50" West 2.75 feet;

thence North 89°18'10" East 11.50 feet;

thence South 00°41'50" East 2.47 feet to the westerly line of said Central Avenue per Grant Deed recorded March 21, 1950 in Book 2548, Page 283 of said Official Records;

thence along said westerly line North 57°52'21" East 5.86 feet;

thence leaving said westerly line North 00°41'50" West 4.42 feet;

thence South 89°18'10" West 21.50 feet;

thence South 00°41'50" East 2.75 feet;

thence South 89°18'10" West 60.04 feet;

thence South 01°07'25" East 10.89 feet to said northerly line;

thence along said northerly line North 89°13'06" East 5.00 feet to the **True Point of Beginning**.

Containing 456 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

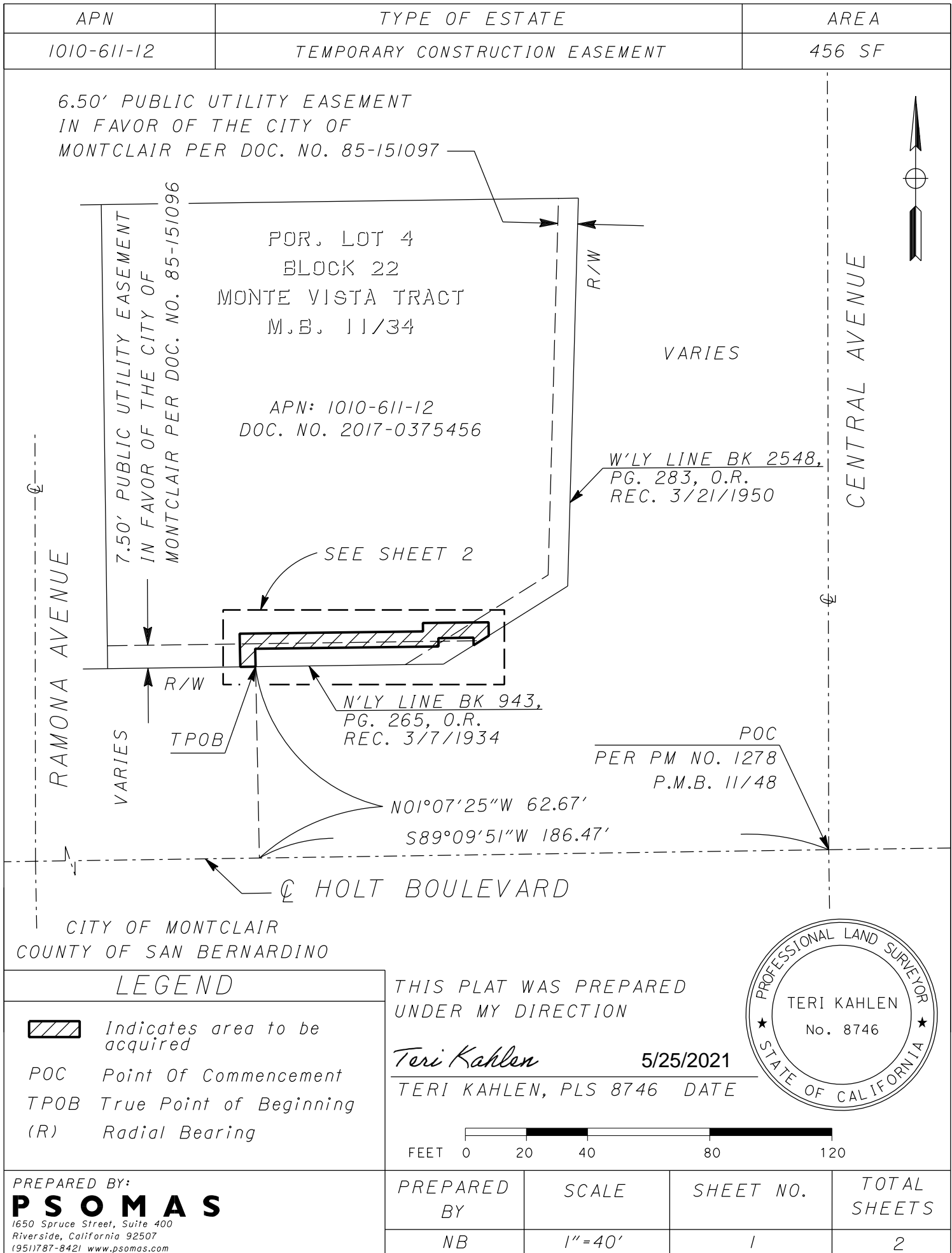


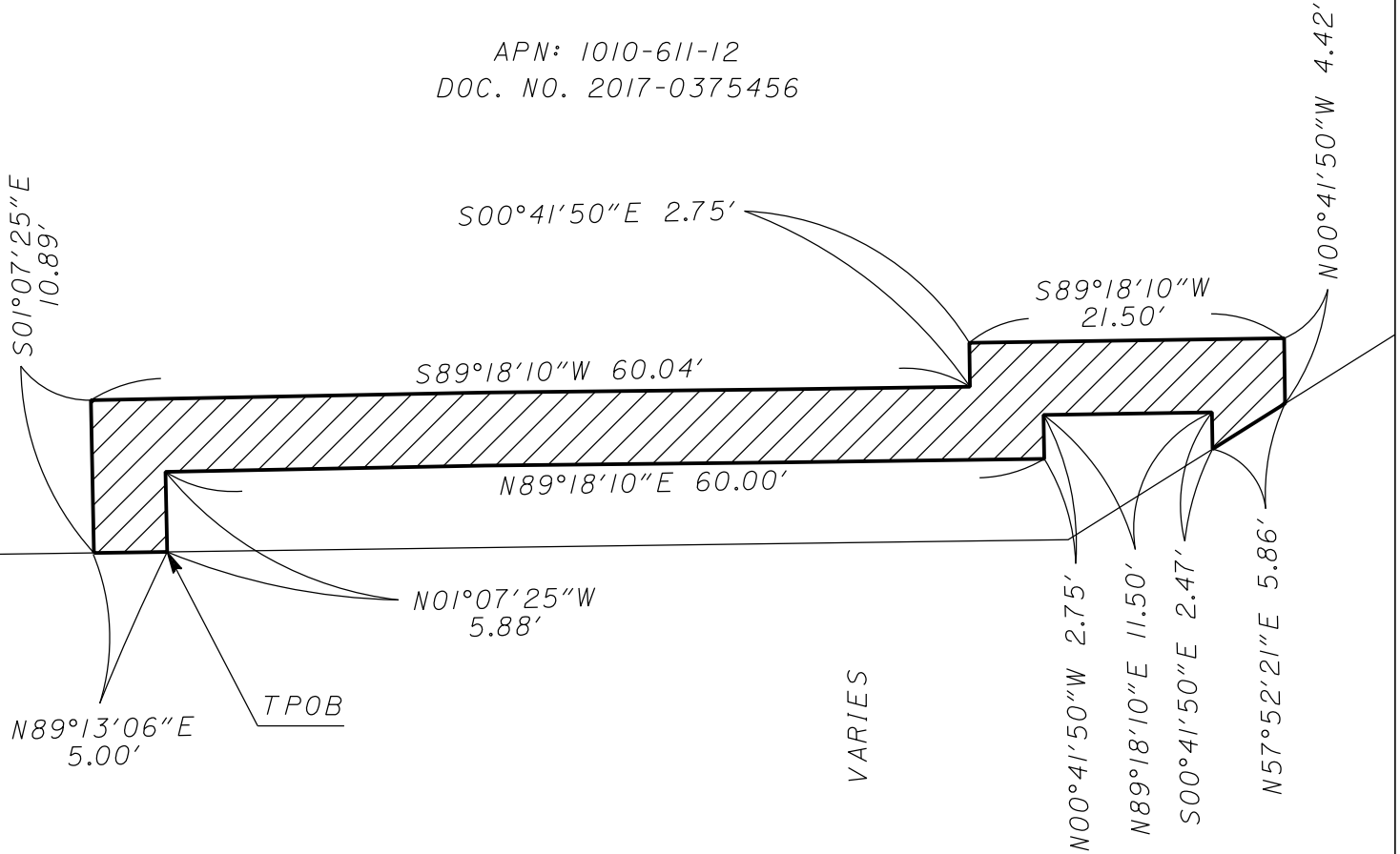
EXHIBIT B

APN	TYPE OF ESTATE	AREA
1010-611-12	TEMPORARY CONSTRUCTION EASEMENT	456 SF



POR. LOT 4
BLOCK 22
MONTE VISTA TRACT
M.B. 11/34

APN: 1010-611-12
DOC. NO. 2017-0375456



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

NB

SCALE

NTS

SHEET NO.

2

TOTAL SHEETS

2

Map Check Report

Project: WVC - OC
 Alignment: 1010-611-12 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85202)		1845581.699	6655500.658	0.000
	N 1°07'25" W	5.88			
POT (	85203)		1845587.580	6655500.542	0.000
	N 89°18'10" E	60.00			
POT (	85204)		1845588.311	6655560.541	0.000
	N 0°41'50" W	2.75			
POT (	85205)		1845591.061	6655560.508	0.000
	N 89°18'10" E	11.50			
POT (	85206)		1845591.201	6655572.007	0.000
	S 0°41'50" E	2.47			
POT (	85207)		1845588.726	6655572.037	0.000
	N 57°52'21" E	5.86			
POT (	85209)		1845591.842	6655577.000	0.000
	N 0°41'50" W	4.42			
POT (	85210)		1845596.261	6655576.946	0.000
	S 89°18'10" W	21.50			
POT (	85211)		1845595.999	6655555.447	0.000
	S 0°41'50" E	2.75			
POT (	85212)		1845593.250	6655555.481	0.000
	S 89°18'10" W	60.04			
POT (	85213)		1845592.519	6655495.445	0.000
	S 1°07'25" E	10.89			
POT (	85214)		1845581.631	6655495.658	0.000
	N 89°13'06" E	5.00			
POT (	85202)		1845581.699	6655500.658	0.000

Northing Error: 0.003 ft
 Easting Error: -0.003 ft
 Closing Direction: S 38°25'58" E
 Closing Distance: 0.004 ft
 Closed Area: 455.5 sq ft (0.0 ac)
 Perimeter: 193.070 ft
 Precision: 46732.660

RESOLUTION OF NECESSITY No. 22-119

**LINDA L. ROBINSON, TRUSTEE OF THE
LINDA L. ROBINSON LIVING TRUST
DATED FEBRUARY 11, 1992 PROPERTY
(APN 1010-543-09)**

RESOLUTION NO. 22-119

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. 1010-543-09

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, a portion of the real property located at 1322 W. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1010-543-09 (the “Property”) is required for the Project. The specific portion of the Property required for the Project is an approximate 822 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “1” hereto (the “Subject Property Interest”); and

WHEREAS, to the extent the Subject Property Interest 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 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 May 4, 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 proceedings 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 portions of the Subject Property Interest 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 Interest, or any portions 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 portions thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Subject Property Interest, 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 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 May 4, 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 May 4, 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: 1010-543-09

That portion of Lot 1000, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, filed in Book 11, Page 6 of Maps in the office of the County Recorder of said County, as described in the Quitclaim Deed recorded February 25, 1992 as Document No. 92-066865 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Oaks Avenue and Holt Boulevard, as shown on Parcel Map No. 5453 filed in Book 53, Page 88 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°36'21" East 293.24 feet to the southerly prolongation of the westerly line of the land described in said Quitclaim Deed;

thence along said southerly prolongation and said westerly line North 00°26'39" West 50.00 feet to the **True Point of Beginning**;

thence along said westerly line North 00°26'39" West 11.52 feet;

thence leaving said westerly line North 89°36'04" East 4.74 feet;

thence South 00°23'56" East 8.00 feet;

thence North 89°36'04" East 41.56 feet;

thence North 00°23'56" West 10.00 feet;

thence North 89°36'04" East 42.00 feet;

thence South 00°23'56" East 9.00 feet;

thence North 89°36'04" East 11.70 feet to the easterly line of said land;

thence along said easterly line South 00°26'39" East 4.53 feet to a line that is parallel with and 50.00 feet northerly of the centerline of said Holt Boulevard;

thence along said parallel line South 89°36'21" West 99.99 feet to the **True Point of Beginning**.

Parcel contains 822 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: 8/25/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1010-543-09	TEMPORARY CONSTRUCTION EASEMENT	822 SF

APN: 1010-543-11

APN: 1010-543-10

PORTION OF
LOT 1000
MAP OF ONTARIO
M.B. 11/6

DOC. NO.
92-066865, O.R.

APN: 1010-543-09

APN: 1010-543-30

R/W

POC
PER PM NO. 5453,
P.M.B. 53/88
N89°36'21"E
293.24'

40'

L3 L4 L6 L7 L8 L9 L10

L2 L5

99.99'
S89°36'21"W

TPOB

50'

60'

R/W

HOLT BOULEVARD

OAKS AVENUE

LINE TABLE


NO.	BEARING	DISTANCE
L1	N00°26'39"W	50.00'
L2	N00°26'39"W	11.52'
L3	N89°36'04"E	4.74'
L4	S00°23'56"E	8.00'
L5	N89°36'04"E	41.56'

NO.	BEARING	DISTANCE
L6	N00°23'56"W	10.00'
L7	N89°36'04"E	42.00'
L8	S00°23'56"E	9.00'
L9	N89°36'04"E	11.70'
L10	S00°26'39"E	4.53'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 8/25/2021
TERI KAHLEN, PLS 8746 DATE



LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

FEET 0 25 50 100 150

<p>PREPARED BY:</p> <p>PSOMAS</p> <p>1650 Spruce Street, Suite 400 Riverside, California 92507 (951)787-8421 www.psomas.com</p>	<p>PREPARED BY</p> <p>AU</p>	<p>SCALE</p> <p>1"=50'</p>	<p>SHEET NO.</p> <p>1</p>	<p>TOTAL SHEETS</p> <p>1</p>
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Map Check Report

Project: WVC - OC
 Alignment: 1010-543-09 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65702)		1845621.44	6659941.86	0.00
	N 0°26'39" W	11.52			
PI (	65703)		1845632.96	6659941.77	0.00
	N 89°36'04" E	4.74			
PI (	65704)		1845632.99	6659946.51	0.00
	S 0°23'56" E	8.00			
PI (	65705)		1845624.99	6659946.57	0.00
	N 89°36'04" E	41.56			
PI (	65706)		1845625.28	6659988.13	0.00
	N 0°23'56" W	10.00			
PI (	65707)		1845635.28	6659988.06	0.00
	N 89°36'04" E	42.00			
PI (	65708)		1845635.57	6660030.06	0.00
	S 0°23'56" E	9.00			
PI (	65709)		1845626.57	6660030.12	0.00
	N 89°36'04" E	11.70			
PI (	65710)		1845626.65	6660041.82	0.00
	S 0°26'39" E	4.53			
PI (	65711)		1845622.13	6660041.86	0.00
	S 89°36'21" W	99.99			
POE (	65702)		1845621.44	6659941.86	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 68°55'23" W
 Closing Distance: 0.00 ft
 Closed Area: 821.81 sq ft (0.02 ac)
 Perimeter: 243.04 ft
 Precision: 50522.77

RESOLUTION OF NECESSITY No. 22-122

**14255 ELLSWORTH STREET, LLC, A
CALIFORNIA LIMITED LIABILITY
COMPANY PROPERTY
(APN 8323-025-025)**

RESOLUTION NO. 22-122

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. 8323-025-025

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 1575 E. Holt Avenue in the City of Pomona, California, and identified as Los Angeles County Tax Assessor’s Parcel Number 8323-025-025 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 28 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 370 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 Pomona 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 May 4, 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 Pomona 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 proceedings 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 May 4, 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 May 4, 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

APN: 8323-025-025

Those portions of Blocks 216 and 241 of Pomona Tract, in the City of Pomona, County of Los Angeles, State of California, as described in the Grant Deed recorded March 1, 2013 as Document No. 2013-0314920 of Official Records in the Office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Indian Hill Boulevard and Holt Avenue, as shown on Parcel Map No. 980, filed in Book 16, Page 70 of Parcel Maps, in the office of said County Recorder;

thence along the centerline of said Holt Avenue, South 88°07'29" West 119.14 feet;

thence leaving said centerline North 01°50'57" West 50.00 feet to the southerly line of the land described in said Grant Deed and the **True Point of Beginning**;

thence leaving said southerly line North 01°50'57" West 2.40 feet;

thence South 88°09'03" West 11.50 feet;

thence South 01°50'57" East 2.41 feet to said southerly line;

thence along said southerly line North 88°07'29" East 11.50 feet to the **True Point of Beginning**.

Parcel contains 28 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).

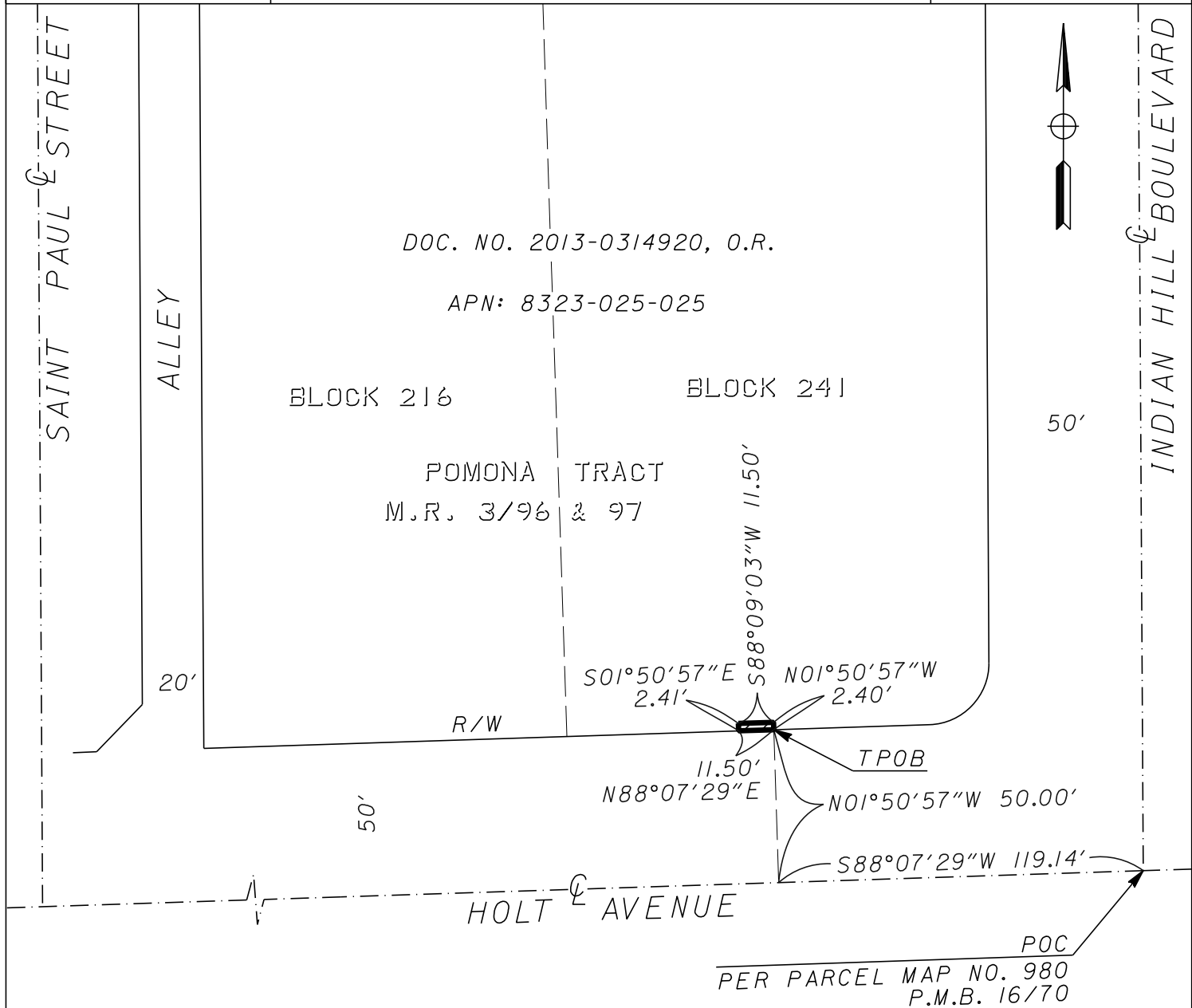
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
8323-025-025	EASEMENT	28 SF



Map Check Report

Project: WVC - OC
 Alignment: 8323-025-025 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65567)		1845530.46	6646589.24	0.00
	N 1°50'57" W	2.40			
PI (	65568)		1845532.86	6646589.16	0.00
	S 88°09'03" W	11.50			
PI (	65569)		1845532.49	6646577.66	0.00
	S 1°50'57" E	2.41			
PI (	65570)		1845530.08	6646577.74	0.00
	N 88°07'29" E	11.50			
POE (	65567)		1845530.46	6646589.24	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 1°50'05" W
 Closing Distance: 0.00 ft
 Closed Area: 27.66 sq ft (0.00 ac)
 Perimeter: 27.81 ft
 Precision: 5843.46

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 8323-025-025

Those portions of Block 216 and 241 of Pomona Tract, in the City of Pomona, County of Los Angeles, State of California, as described in the Grant Deed recorded March 1, 2013 as Document No. 2013-0314920 of Official Records in the Office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Indian Hill Boulevard and Holt Avenue, as shown on Parcel Map No. 980, filed in Book 16, Page 70 of Parcel Maps, in the office of said County Recorder;

thence along the centerline of said Holt Avenue, South 88°07'29" West 119.14 feet;

thence leaving said centerline North 01°50'57" West 50.00 feet to the southerly line of the land described in said Grant Deed and the **True Point of Beginning**;

thence leaving said southerly line North 01°50'57" West 2.40 feet;

thence South 88°09'03" West 11.50 feet;

thence South 01°50'57" East 2.41 feet to said southerly line;

thence along said southerly line South 88°07'29" West 37.26 feet;

thence leaving said southerly line North 01°50'57" West 4.92 feet;

thence North 88°09'03" East 32.26 feet;

thence North 01°50'57" West 2.50 feet;

thence North 88°09'03" East 21.50 feet;

thence South 01°50'57" East 2.50 feet;

thence North 88°09'03" East 16.30 feet;

thence South 01°50'57" East 4.89 feet to said southerly line;

thence along said southerly line South 88°07'29" West 21.30 feet to the **True Point of Beginning**.

Parcel contains 370 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).

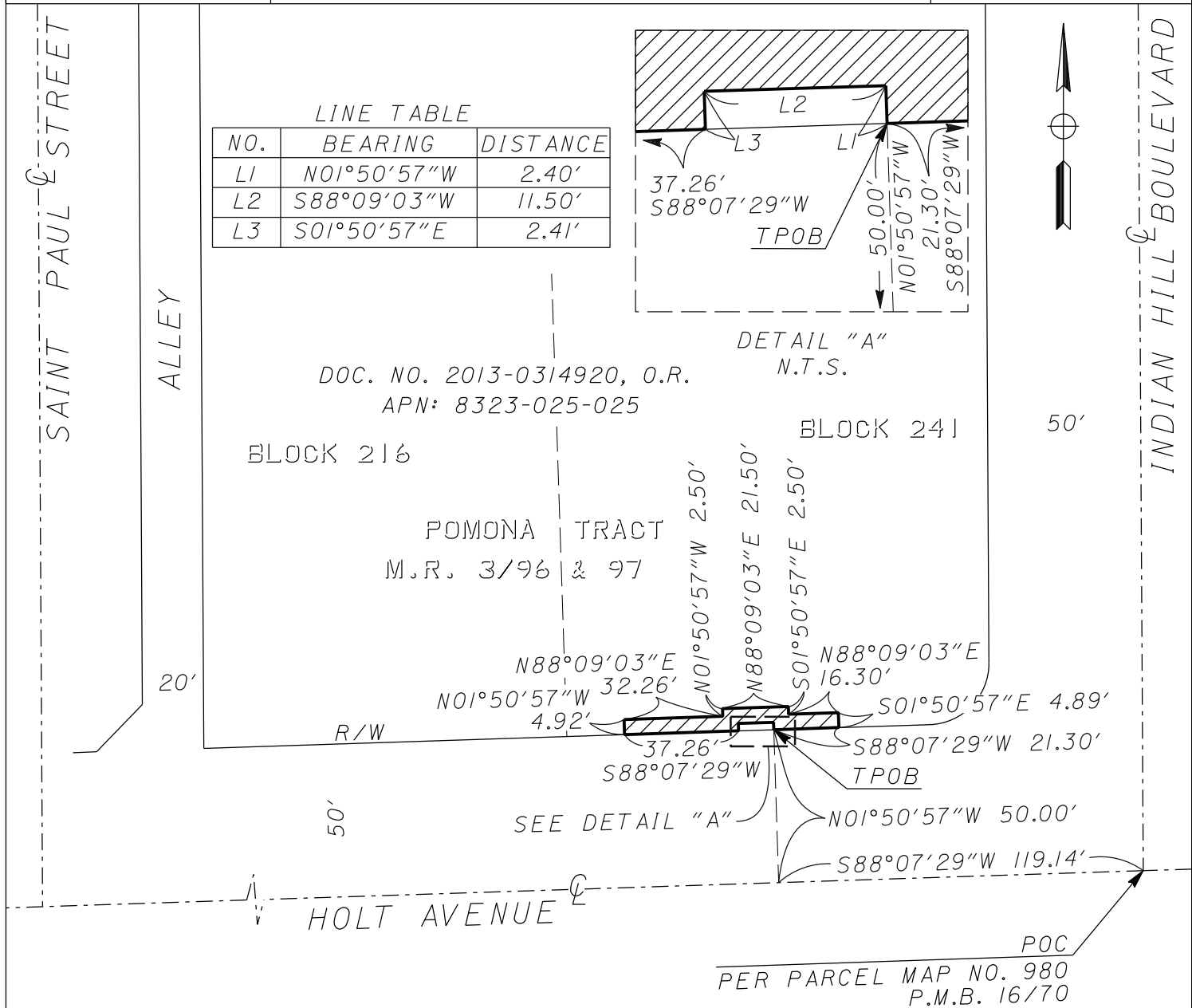
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/14/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
8323-025-025	TEMPORARY CONSTRUCTION EASEMENT	370 SF



CITY OF POMONA
COUNTY OF LOS ANGELES

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

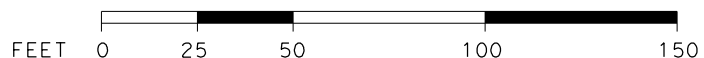
(R) Radial Bearing

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

SP

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 8323-025-025 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65567)		1845530.46	6646589.24	0.00
	N 1°50'57" W	2.40			
PI (	65568)		1845532.86	6646589.16	0.00
	S 88°09'03" W	11.50			
PI (	65569)		1845532.49	6646577.66	0.00
	S 1°50'57" E	2.41			
PI (	65570)		1845530.08	6646577.74	0.00
	S 88°07'29" W	37.26			
PI (	65571)		1845528.86	6646540.50	0.00
	N 1°50'57" W	4.92			
PI (	65572)		1845533.79	6646540.34	0.00
	N 88°09'03" E	32.26			
PI (	65573)		1845534.83	6646572.59	0.00
	N 1°50'57" W	2.50			
PI (	65574)		1845537.33	6646572.51	0.00
	N 88°09'03" E	21.50			
PI (	65575)		1845538.02	6646593.99	0.00
	S 1°50'57" E	2.50			
PI (	65576)		1845535.52	6646594.07	0.00
	N 88°09'03" E	16.30			
PI (	65577)		1845536.05	6646610.36	0.00
	S 1°50'57" E	4.89			
PI (	65578)		1845531.16	6646610.52	0.00
	S 88°07'29" W	21.30			
POE (	65567)		1845530.46	6646589.24	0.00

Northing Error: -0.01 ft
 Easting Error: 0.00 ft
 Closing Direction: N 1°54'05" W
 Closing Distance: 0.01 ft
 Closed Area: 370.02 sq ft (0.01 ac)
 Perimeter: 159.75 ft
 Precision: 23887.25

RESOLUTION OF NECESSITY No. 22-123
FOUNTAIN OF LOVE CHRISTIAN CENTER,
INC., A CALIFORNIA NON-PROFIT
CORPORATION PROPERTY
(APNS 8326-024-041)

RESOLUTION NO. 22-123

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. 8326-024-041

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 E. Holt Avenue in the City of Pomona, California, and identified as Los Angeles County Tax Assessor's Parcel Numbers 8326-024-041 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 143 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 616 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 Pomona 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 May 4, 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 Pomona 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 proceedings 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 May 4, 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 May 4, 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

APN: 8326-024-041

That portion of Parcel 1 of Parcel Map No. 062124, in the City of Pomona, County of Los Angeles, State of California, as per map filed in Book 335, Pages 93 and 94 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Clark Avenue as shown on said Parcel Map No. 062124;

thence along the centerline of said Holt Boulevard North 88°05'50" East 243.84 feet;

thence leaving said centerline South 01°54'10" East 53.00 feet to the northerly line of said Parcel 1 and the **True Point of Beginning**;

thence South 01°59'03" East 4.36 feet;

thence North 88°00'57" East 11.50 feet;

thence North 01°58'37" West 2.75 feet;

thence North 88°00'57" East 60.00 feet;

thence North 02°08'52" West 1.51 feet to said northerly line;

thence along said northerly line South 88°05'50" West 71.50 feet to the **True Point of Beginning**.

Parcel contains 143 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).

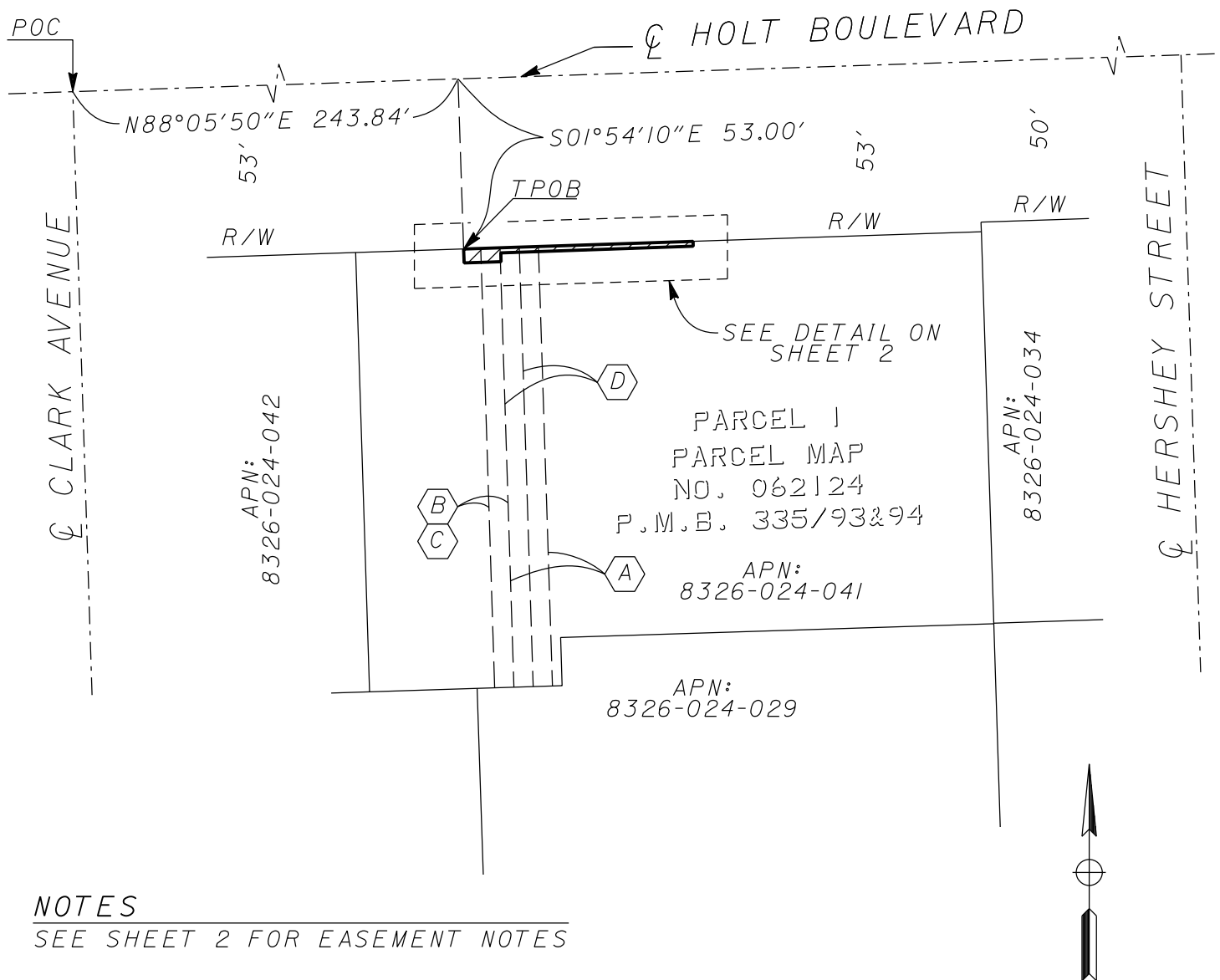
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/23/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
8326-024-041	EASEMENT	143 SF



CITY OF POMONA
COUNTY OF LOS ANGELES

LEGEND



Indicates area to be acquired

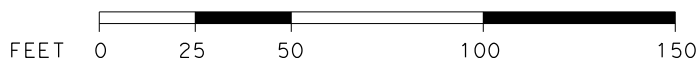
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/23/2021

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.

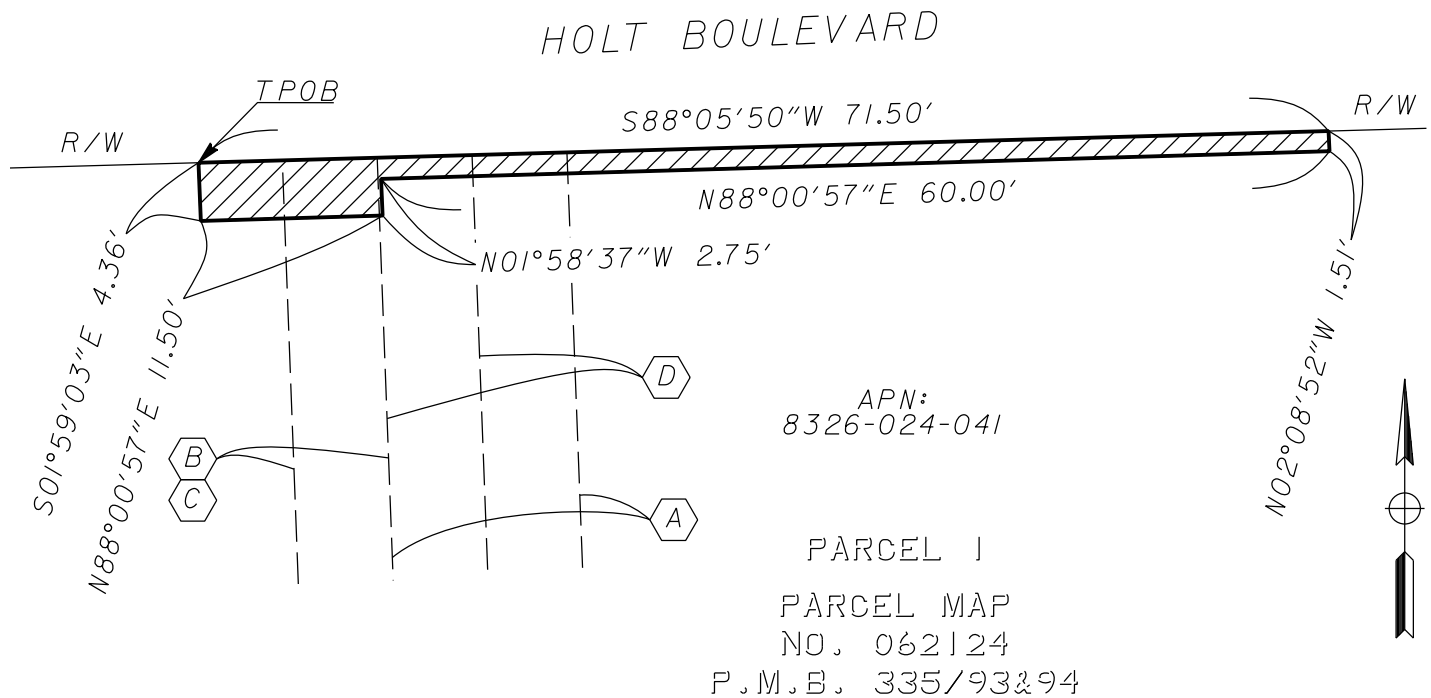
1

TOTAL
SHEETS

2

EXHIBIT B

APN	TYPE OF ESTATE	AREA
8326-024-041	EASEMENT	143 SF



EASEMENT NOTES

- (A) 12' WIDE EASEMENT FOR PUBLIC UTILITIES TO GENERAL TELEPHONE COMPANY OF CA.
PER BOOK 44163, PAGE 164, O.R. REC. 3/25/1954
- (B) 6' WIDE EASEMENT FOR PUBLIC UTILITIES TO GENERAL TELEPHONE COMPANY OF CA.
PER BOOK D-534, PAGE 194, O.R. REC. 7/13/1959
- (C) 6' WIDE EASEMENT FOR PUBLIC UTILITIES TO SOUTHERN CALIFORNIA EDISON COMPANY
PER BOOK D-867, PAGE 93, O.R. REC. 6/02/1960
- (D) 6' WIDE EASEMENT FOR PUBLIC UTILITIES TO SOUTHERN CALIFORNIA EDISON COMPANY
PER BOOK D-867, PAGE 94, O.R. REC. 6/02/1960

CITY OF POMONA
COUNTY OF LOS ANGELES

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

NOT TO SCALE

PREPARED BY:

PSOMAS

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Riverside, California 92507
(951)787-8421 www.psomas.com

PREPARED
BY

JS

SCALE

N.T.S.

SHEET NO.

2

TOTAL
SHEETS

2

Map Check Report

Project: WVC - OC
 Alignment: 8326-024-041 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65554)		1845338.65	6643897.86	0.00
	S 1°59'03" E	4.36			
PI (	65555)		1845334.29	6643898.01	0.00
	N 88°00'57" E	11.50			
PI (	65556)		1845334.69	6643909.50	0.00
	N 1°58'37" W	2.75			
PI (	65557)		1845337.44	6643909.40	0.00
	N 88°00'57" E	60.00			
PI (	65558)		1845339.52	6643969.37	0.00
	N 2°08'52" W	1.51			
PI (	65559)		1845341.02	6643969.31	0.00
	S 88°05'50" W	71.50			
POE (	65554)		1845338.65	6643897.86	0.00

Northing Error: 0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: S 70°09'00" E
 Closing Distance: 0.00 ft
 Closed Area: 142.89 sq ft (0.00 ac)
 Perimeter: 151.61 ft
 Precision: 36152.00

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 8326-024-041

That portion of Parcel 1 of Parcel Map No. 062124, in the City of Pomona, County of Los Angeles, State of California, as per map filed in Book 335, Pages 93 and 94 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Clark Avenue as shown on said Parcel Map No. 062124;

thence along the centerline of said Holt Boulevard North 88°05'50" East 243.84 feet;

thence leaving said centerline South 01°54'10" East 53.00 feet to the northerly line of said Parcel 1 and the **True Point of Beginning**;

thence South 01°59'03" East 4.36 feet;

thence North 88°00'57" East 11.50 feet;

thence North 01°58'37" West 2.75 feet;

thence North 88°00'57" East 60.00 feet;

thence North 02°08'52" West 1.51 feet to said northerly line;

thence along said northerly line North 88°05'50" East 5.00 feet;

thence leaving said northerly line South 02°08'52" East 9.25 feet;

thence South 88°00'57" West 81.52 feet;

thence North 01°58'37" West 9.36 feet to said northerly line;

thence along said northerly line North 88°05'50" East 5.00 feet to the **True Point of Beginning**.

Parcel contains 616 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).

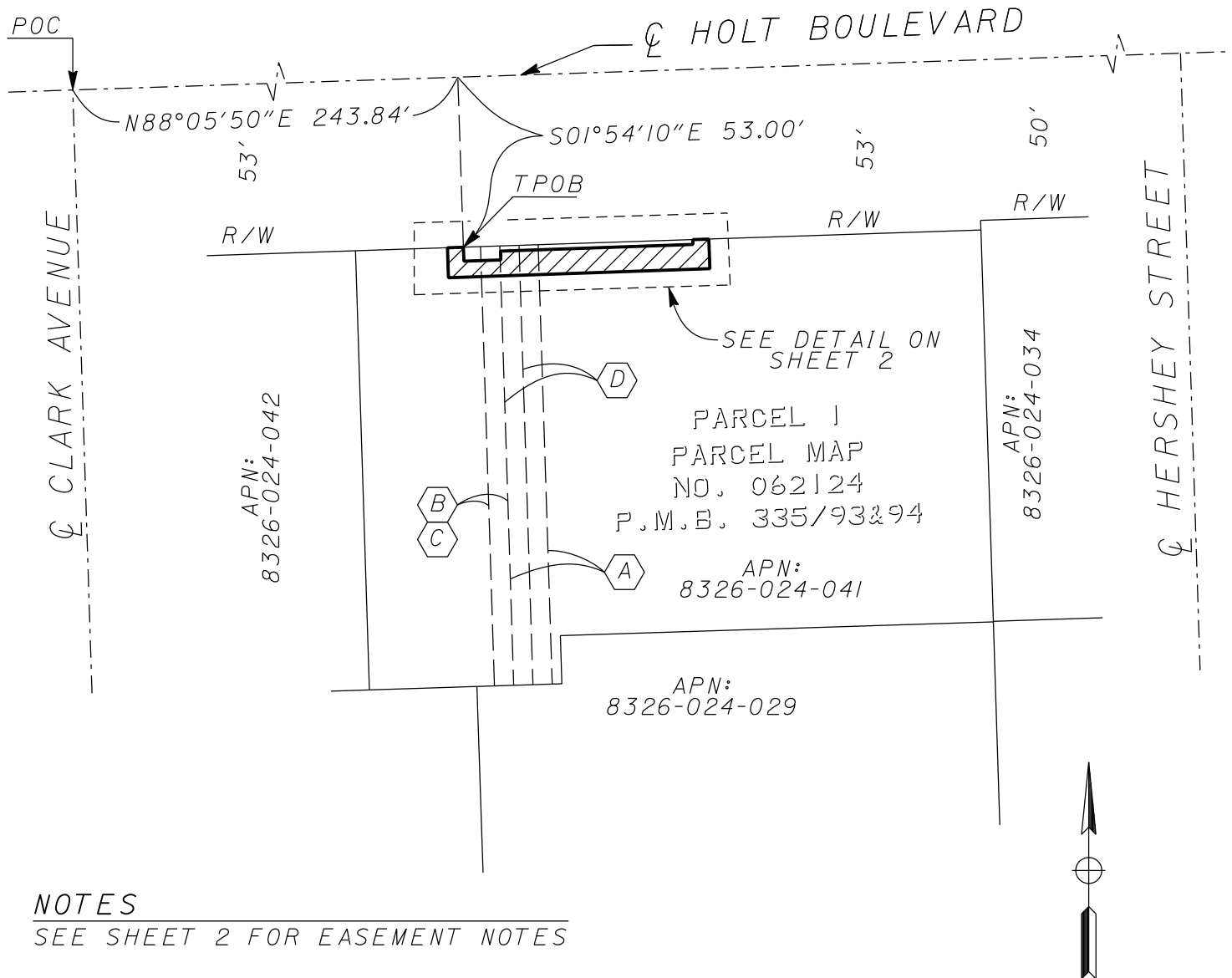
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/23/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
8326-024-041	TEMPORARY CONSTRUCTION EASEMENT	616 SF



NOTES

SEE SHEET 2 FOR EASEMENT NOTES

CITY OF POMONA
COUNTY OF LOS ANGELES

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

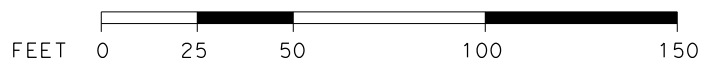
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/23/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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PREPARED
BY

JS

SCALE

1"=50'

SHEET NO.

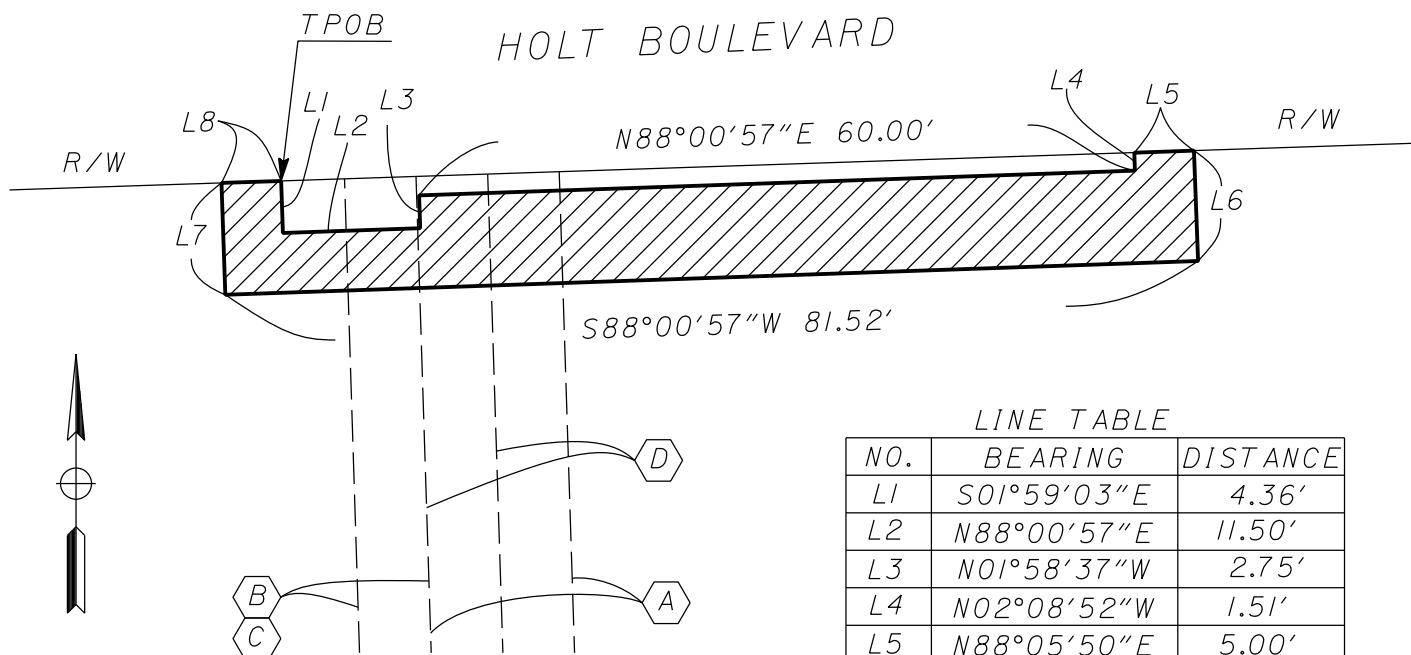
1

TOTAL
SHEETS

2

EXHIBIT B

APN	TYPE OF ESTATE	AREA
8326-024-041	TEMPORARY CONSTRUCTION EASEMENT	616 SF



LINE TABLE

NO.	BEARING	DISTANCE
L1	S01°59'03"E	4.36'
L2	N88°00'57"E	11.50'
L3	N01°58'37"W	2.75'
L4	N02°08'52"W	1.51'
L5	N88°05'50"E	5.00'
L6	S02°08'52"E	9.25'
L7	N01°58'37"W	9.36'
L8	N88°05'50"E	5.00'

EASEMENT NOTES

- (A) 12' WIDE EASEMENT FOR PUBLIC UTILITIES TO GENERAL TELEPHONE COMPANY OF CA.
PER BOOK 44163, PAGE 164, O.R. REC. 3/25/1954
- (B) 6' WIDE EASEMENT FOR PUBLIC UTILITIES TO GENERAL TELEPHONE COMPANY OF CA.
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- (D) 6' WIDE EASEMENT FOR PUBLIC UTILITIES TO SOUTHERN CALIFORNIA EDISON COMPANY
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CITY OF POMONA
COUNTY OF LOS ANGELES

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

NOT TO SCALE

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PREPARED
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JS

SCALE

N.T.S.

SHEET NO.

2

TOTAL
SHEETS

2

Map Check Report

Project: WVC - OC
 Alignment: 8326-024-041 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65554)		1845338.65	6643897.86	0.00
	S 1°59'03" E	4.36			
PI (	65555)		1845334.29	6643898.01	0.00
	N 88°00'57" E	11.50			
PI (	65556)		1845334.69	6643909.50	0.00
	N 1°58'37" W	2.75			
PI (	65557)		1845337.44	6643909.40	0.00
	N 88°00'57" E	60.00			
PI (	65558)		1845339.52	6643969.37	0.00
	N 2°08'52" W	1.51			
PI (	65559)		1845341.02	6643969.31	0.00
	N 88°05'50" E	5.00			
PI (	65560)		1845341.19	6643974.31	0.00
	S 2°08'52" E	9.25			
PI (	65561)		1845331.95	6643974.66	0.00
	S 88°00'57" W	81.52			
PI (	65562)		1845329.12	6643893.18	0.00
	N 1°58'37" W	9.36			
PI (	65563)		1845338.48	6643892.86	0.00
	N 88°05'50" E	5.00			
POE (	65554)		1845338.65	6643897.86	0.00

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 42°54'30" W
 Closing Distance: 0.01 ft
 Closed Area: 615.67 sq ft (0.01 ac)
 Perimeter: 190.25 ft
 Precision: 34442.57

RESOLUTION OF NECESSITY No. 22-060

**ELIAS PROPERTIES, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY PROPERTY
(APN 1048-523-16)**

RESOLUTION NO. 22-060

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. 1048-523-16

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 545 E. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1048-523-16 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 274 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 509 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 May 4, 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 proceedings 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 May 4, 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 May 4, 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: 1048-523-16

That portion of Lot 4, Block 1009, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 9, Page 43 of Maps in the office of the County Recorder of said County, as described in the Quitclaim Deed recorded May 21, 2001 as Document No. 2001-0195962 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Pleasant Avenue and Holt Boulevard, as shown on Parcel Map No. 19706, per map filed in Book 249, Pages 1 and 2 of Parcel Maps in office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'38''$ East 195.47 feet to the southerly prolongation of the easterly line of the land described in said Quitclaim Deed;

thence along said southerly prolongation North $00^{\circ}22'15''$ West 40.00 feet to the southerly line of said land and the **True Point of Beginning**;

thence along said southerly line South $89^{\circ}35'38''$ West 70.93 feet to a non-tangent curve concave northwesterly having a radius of 12.55 feet, a radial line to said curve bears South $28^{\circ}03'58''$ East;

thence leaving said southerly line northeasterly along said curve through a central angle of $10^{\circ}58'37''$, an arc distance of 2.40 feet to a reverse curve concave southeasterly having a radius of 12.55 feet;

thence northeasterly along said curve through a central angle of $38^{\circ}39'30''$, an arc length of 8.47 feet;

thence North $89^{\circ}36'55''$ East 61.08 feet to said easterly line;

thence along said easterly line South $00^{\circ}22'15''$ East 4.04 feet to the **True Point of Beginning**.

Parcel contains 274 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: 7/7/2021

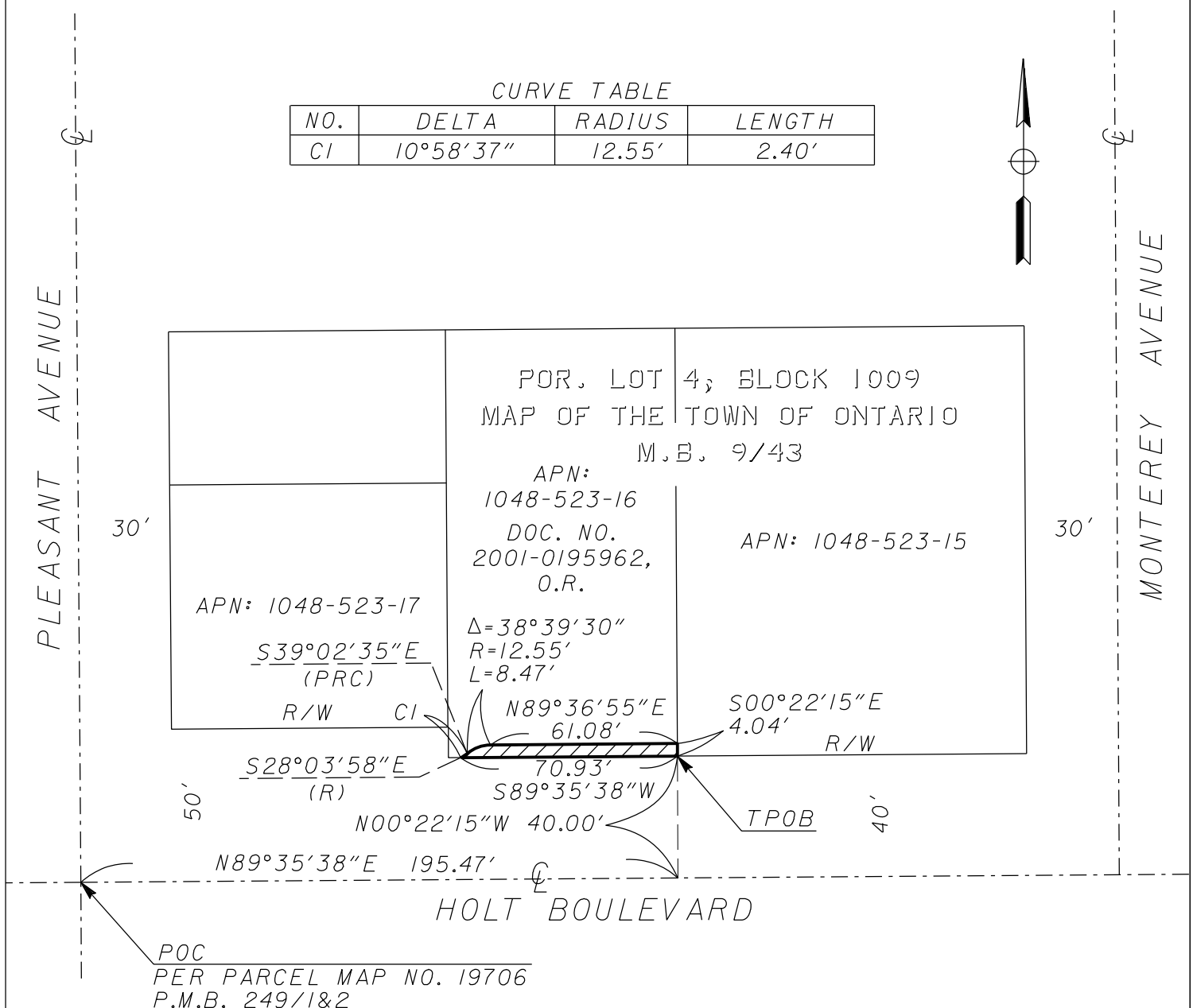


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-523-16	EASEMENT DEED OF RIGHT OF WAY DEDICATION	274 SF

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
CI	10°58'37"	12.55'	2.40'



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

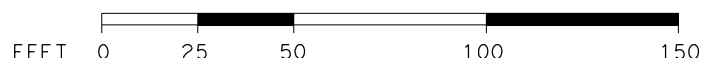
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing
(PRC) Point of Reverse Curve

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/7/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

SP

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1048-523-16 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65513)		1845676.99	6669431.49	0.00
	S 89°35'38" W	70.93			
BC (	65528)		1845676.49	6669360.56	0.00
	Radius:	12.55			
	Delta:	10°58'37"			
	Length:	2.40			
	Chord:	2.40			
	Tangent:	1.21			
	Middle Ordinate:	0.06			
	External:	0.06			
	S 28°03'58" E (Radial)				
CC (	65527)		1845687.56	6669354.66	0.00
	N 56°26'44" E (Chord)				
	S 39°02'35" E (Radial)				
PRC (	65526)		1845677.82	6669362.56	0.00
	Radius:	12.55			
	Delta:	38°39'30"			
	Length:	8.47			
	Chord:	8.31			
	Tangent:	4.40			
	Middle Ordinate:	0.71			
	External:	0.75			
	S 39°02'35" E (Radial)				
CC (	65525)		1845668.07	6669370.47	0.00
	N 70°17'10" E (Chord)				
	S 0°23'05" E (Radial)				
EC (	65524)		1845680.62	6669370.39	0.00
	N 89°36'55" E	61.08			
PI (	65517)		1845681.03	6669431.46	0.00
	S 0°22'15" E	4.04			
POE (	65513)		1845676.99	6669431.49	0.00

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 8°51'27" E
 Closing Distance: 0.00 ft
 Closed Area: 273.50 sq ft (0.01 ac)
 Perimeter: 146.91 ft
 Precision: 51340.50

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1048-523-16

That portion of Lot 4, Block 1009, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 9, Page 43 of Maps in the office of the County Recorder of said County, as described in the Quitclaim Deed recorded May 21, 2001 as Document No. 2001-0195962 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Pleasant Avenue and Holt Boulevard, as shown on Parcel Map No. 19706, per map filed in Book 249, Pages 1 and 2 of Parcel Maps in office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'38''$ East 195.47 feet to the southerly prolongation of the easterly line of the land described in said Quitclaim Deed;

thence along said southerly prolongation and said easterly line North $00^{\circ}22'15''$ West 44.04 feet to the **True Point of Beginning**;

thence continuing along said easterly line North $00^{\circ}22'15''$ West 14.00 feet;

thence leaving said easterly line South $89^{\circ}36'55''$ West 1.88 feet;

thence South $00^{\circ}00'00''$ West 9.00 feet;

thence South $89^{\circ}36'55''$ West 28.41 feet;

thence North $00^{\circ}23'05''$ West 8.00 feet;

thence South $89^{\circ}36'55''$ West 14.17 feet;

thence South $00^{\circ}23'05''$ East 8.00 feet;

thence South $89^{\circ}36'55''$ West 16.57 feet to a curve concave southeasterly having a radius of 17.55 feet;

thence southwesterly along said curve through a central angle of $38^{\circ}39'30''$, an arc length of 11.84 feet to a reverse curve concave northwesterly having a radius of 7.55 feet;

thence southwesterly along said curve through a central angle of $25^{\circ}08'47''$, an arc length of 3.31 feet to the westerly line of said land;

thence along said westerly line South $00^{\circ}23'45''$ East 3.77 feet to the southerly line of said land;

thence along said southerly line North $89^{\circ}35'38''$ East 4.07 feet to a non-tangent curve concave northwesterly having a radius of 12.55 feet, a radial line to said curve bears South $28^{\circ}03'58''$ East;

thence leaving said southerly line northeasterly along said curve through a central angle of $10^{\circ}58'37''$, an arc length of 2.40 feet to a reverse curve concave southeasterly having a radius of 12.55 feet;

thence northeasterly along said curve through a central angle of $38^{\circ}39'30''$, an arc length of 8.47 feet;

thence North $89^{\circ}36'55''$ East 61.08 feet to the **True Point of Beginning**.

Parcel contains 509 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: 7/7/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-523-16	TEMPORARY CONSTRUCTION EASEMENT	509 SF

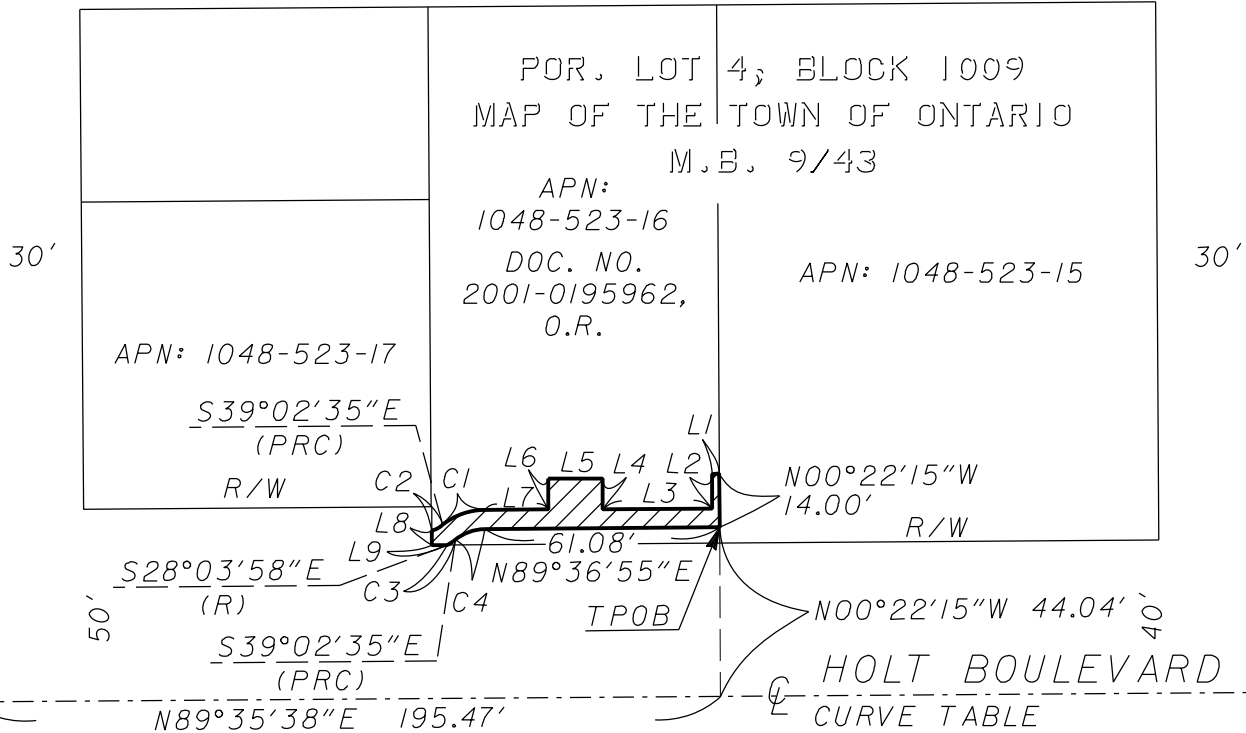
LINE TABLE

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S89°36'55"W	1.88'	L5	S89°36'55"W	14.17'
L2	S00°00'00"W	9.00'	L6	S00°23'05"E	8.00'
L3	S89°36'55"W	28.41'	L7	S89°36'55"W	16.57'
L4	N00°23'05"W	8.00'	L8	S00°23'45"E	3.77'
			L9	N89°35'38"E	4.07'



PLEASANT AVENUE

MONTEREY AVENUE



POC
PER PARCEL MAP NO. 19706
P.M.B. 249/1&2

HOLT BOULEVARD
CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
C1	38°39'30"	17.55'	11.84'
C2	25°08'47"	7.55'	3.31'
C3	10°58'37"	12.55'	2.40'
C4	38°39'30"	12.55'	8.47'

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
(PRC) Point of Reverse Curve

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 7/7/2021
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	SCALE	SHEET NO.	TOTAL SHEETS
SP	1"=50'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1048-523-16 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65517)		1845681.03	6669431.46	0.00
	N 0°22'15" W	14.00			
PI (	65518)		1845695.03	6669431.37	0.00
	S 89°36'55" W	1.88			
PI (	65538)		1845695.02	6669429.49	0.00
	S 0°00'00" W	9.00			
PI (	65537)		1845686.02	6669429.49	0.00
	S 89°36'55" W	28.41			
PI (	65536)		1845685.83	6669401.09	0.00
	N 0°23'05" W	8.00			
PI (	65535)		1845693.83	6669401.03	0.00
	S 89°36'55" W	14.17			
PI (	65534)		1845693.73	6669386.87	0.00
	S 0°23'05" E	8.00			
PI (	65533)		1845685.73	6669386.92	0.00
	S 89°36'55" W	16.57			
BC (	65532)		1845685.62	6669370.35	0.00
	Radius:	17.55			
	Delta:	38°39'30"			
	Length:	11.84			
	Chord:	11.62			
	Tangent:	6.16			
	Middle Ordinate:	0.99			
	External:	1.05			
	N 0°23'05" W (Radial)				
CC (	65525)		1845668.07	6669370.47	0.00
	S 70°17'10" W (Chord)				
	N 39°02'35" W (Radial)				
PRC (	65531)		1845681.70	6669359.42	0.00
	Radius:	7.55			
	Delta:	25°08'47"			
	Length:	3.31			
	Chord:	3.29			
	Tangent:	1.68			
	Middle Ordinate:	0.18			
	External:	0.19			
	N 39°02'35" W (Radial)				
CC (	65527)		1845687.56	6669354.66	0.00
	S 63°31'48" W (Chord)				
	N 13°53'48" W (Radial)				
EC (	65530)		1845680.24	6669356.47	0.00
	S 0°23'45" E	3.77			
PI (	65529)		1845676.46	6669356.50	0.00
	N 89°35'38" E	4.07			
BC (	65528)		1845676.49	6669360.56	0.00
	Radius:	12.55			
	Delta:	10°58'37"			
	Length:	2.40			
	Chord:	2.40			
	Tangent:	1.21			
	Middle Ordinate:	0.06			
	External:	0.06			
	S 28°03'58" E (Radial)				
CC (	65527)		1845687.56	6669354.66	0.00

N 56°26'44" E (Chord)				
S 39°02'35" E (Radial)				
PRC (65526)		1845677.82	6669362.56	0.00
Radius:	12.55			
Delta:	38°39'30"			
Length:	8.47			
Chord:	8.31			
Tangent:	4.40			
Middle Ordinate:	0.71			
External:	0.75			
S 39°02'35" E (Radial)				
CC (65525)		1845668.07	6669370.47	0.00
N 70°17'10" E (Chord)				
S 0°23'05" E (Radial)				
EC (65524)		1845680.62	6669370.39	0.00
N 89°36'55" E	61.08			
POE (65517)		1845681.03	6669431.46	0.00

Northing Error: 0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: S 65°59'05" E
 Closing Distance: 0.01 ft
 Closed Area: 508.51 sq ft (0.01 ac)
 Perimeter: 194.97 ft
 Precision: 31168.81

RESOLUTION OF NECESSITY No. 22-135

**RON J. GOODIN, TRUSTEE OF THE R.J.
GOODIN FAMILY TRUST UNDER TRUST
INSTRUMENT DATED
SEPTEMBER 30, 1988 PROPERTY**

**(APNS 0110-111-06, 0110-111-07 &
0110-111-08)**

RESOLUTION NO. 22-135

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. 0110-111-06, 0110-111-07 & 0110-111-08

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 1628-1670 E. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 0110-111-06, 0110-111-07 and 0110-111-08 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,036 square foot permanent easement on APN 0110-111-06 legally described and depicted in Exhibit "1" hereto, an approximate 2,482 square foot temporary construction easement with a term of twenty-four months on APN 0110-111-06 legally described and depicted in Exhibit "2" hereto, an approximate 600 square foot permanent easement on APN 0110-111-07 legally described and depicted in Exhibit "3" hereto, an approximate 1,274 square foot temporary construction easement with a term of twenty-four months on APN 0110-111-07 legally described and depicted in Exhibit "4", an approximate 277 square foot permanent easement on APN 0110-111-08 legally described and depicted in Exhibit "5" hereto, and an approximate 968 square foot temporary construction

easement with a term of twenty-four months on APN 0110-111-08 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 May 4, 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 proceedings 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 May 4, 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 May 4, 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: 0110-111-06

That portion of the East one-half of Lot 50, 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. 14184, as per map filed in Book 165, Pages 92 and 93 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard South 89°36'25" West 1,039.03 feet to the northerly prolongation of the east line of said Lot 50;

thence along said northerly prolongation South 00°12'35" East 40.00 feet to the northeast corner of said Lot 50 and the **True Point of Beginning**;

thence along said east line South 00°12'35" East 6.59 feet;

thence leaving said east line South 89°36'06" West 156.88 feet to the west line of said East one-half of said Lot 50;

thence along said west line North 00°21'35" West 6.61 feet to the north line of said Lot 50;

thence along said north line North 89°36'25" East 156.88 feet to the **True Point of Beginning**.

Parcel contains 1,036 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).

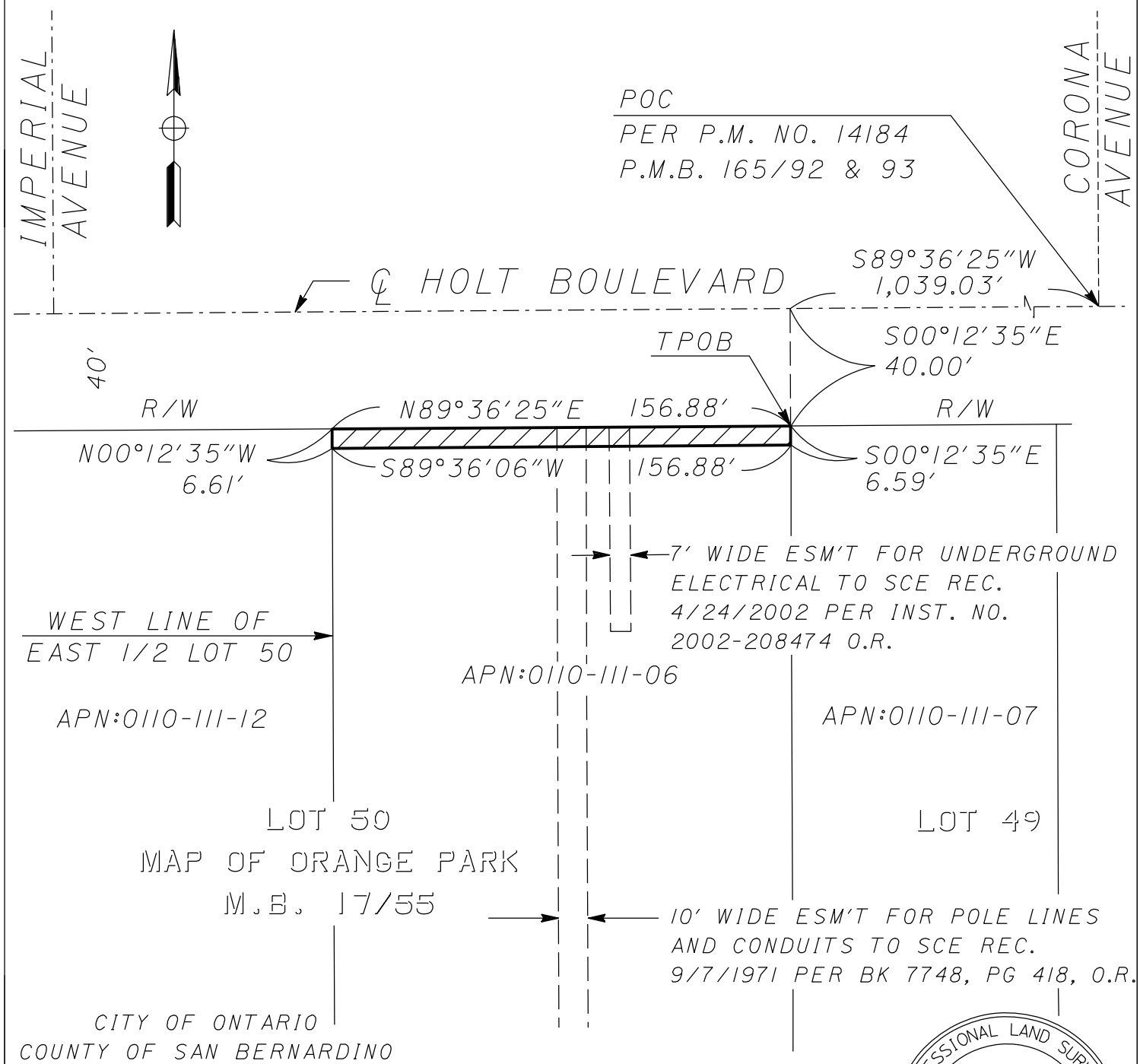
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/10/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-06	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,036 SF



LEGEND



Indicates area to be acquired

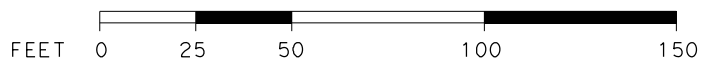
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/10/2021

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: 0110-111-06 ROW Esmt
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85297)		1845653.532	6677716.636	0.000
	S 0°12'35" E	6.59			
POT (	85298)		1845646.937	6677716.660	0.000
	S 89°36'06" W	156.88			
POT (	85299)		1845645.846	6677559.783	0.000
	N 0°12'35" W	6.61			
POT (	85300)		1845652.455	6677559.759	0.000
	N 89°36'25" E	156.88			
POT (	85297)		1845653.532	6677716.636	0.000

Northing Error: 0.006 ft
 Easting Error: 0.000 ft
 Closing Direction: S 0°16'28" W
 Closing Distance: 0.006 ft
 Closed Area: 1035.7 sq ft (0.0 ac)
 Perimeter: 326.965 ft
 Precision: 58918.761

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-06

That portion of the East one-half of Lot 50, 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. 14184, as per map filed in Book 165, Pages 92 and 93 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard South 89°36'25" West 1,039.03 feet to the northerly prolongation of the east line of said Lot 50;

thence along said northerly prolongation and said east line South 00°12'35" East 46.60 feet to the **True Point of Beginning**;

thence leaving said east line South 89°36'06" West 156.88 feet to the west line of said East one-half of said Lot 50;

thence along said west line South 00°21'35" East 25.00 feet;

thence leaving said west line North 89°36'06" East 26.02 feet;

thence North 00°23'54" West 11.00 feet;

thence North 89°36'06" East 130.90 feet to said east line;

thence along said east line North 00°12'35" West 14.00 feet to the **True Point of Beginning**.

Parcel contains 2,482 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).

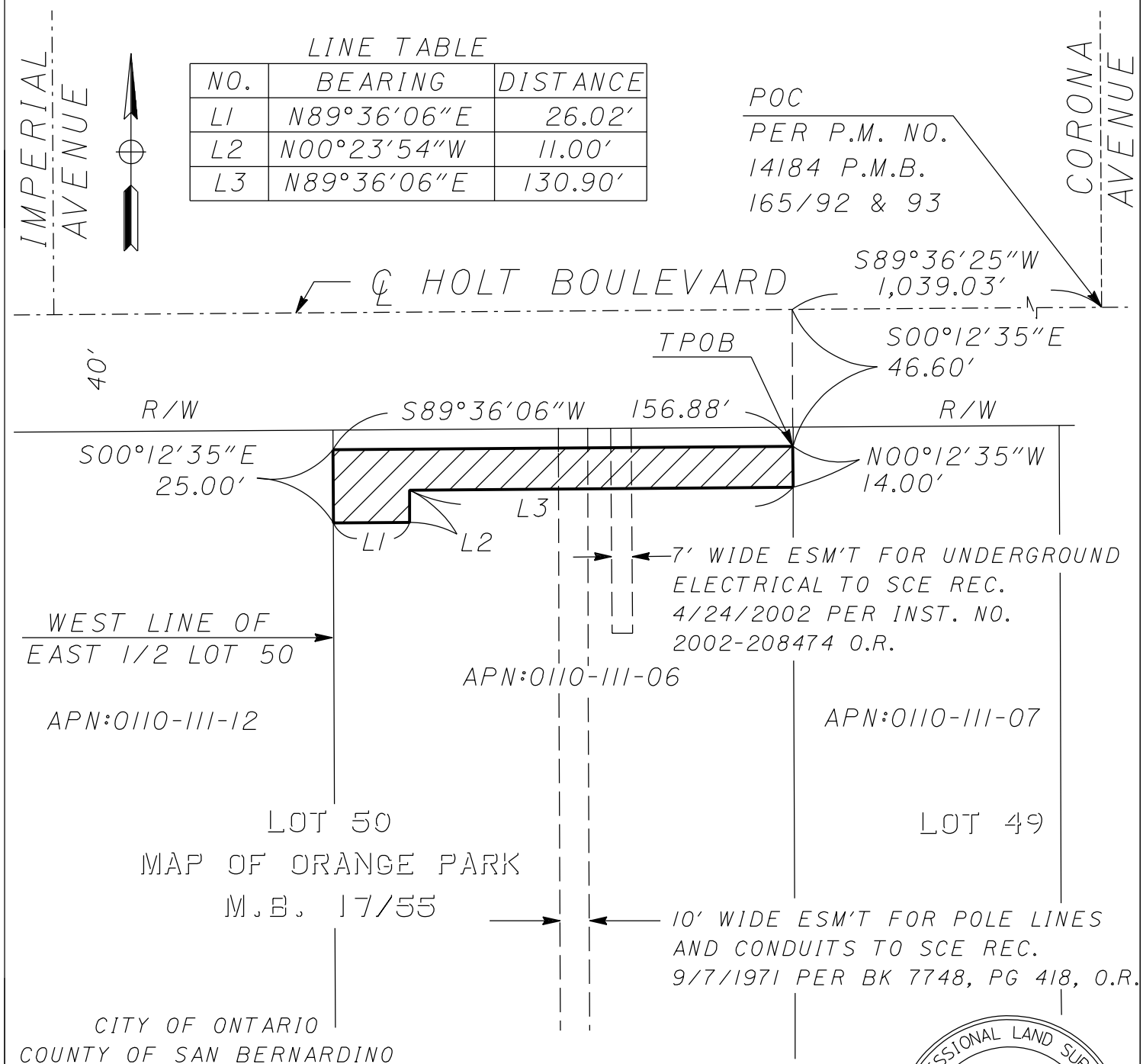
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/10/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-06	TEMPORARY CONSTRUCTION EASEMENT	2,482 SF



LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

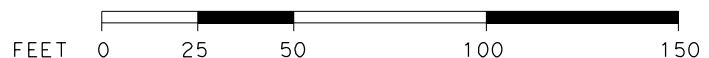
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/10/2021

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: 0110-111-06 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85298)		1845646.937	6677716.660	0.000
	S 89°36'06" W	156.88			
POT (	85299)		1845645.846	6677559.783	0.000
	S 0°12'35" E	25.00			
POT (	85301)		1845620.846	6677559.875	0.000
	N 89°36'06" E	26.02			
POT (	85302)		1845621.027	6677585.891	0.000
	N 0°23'54" W	11.00			
POT (	85303)		1845632.027	6677585.814	0.000
	N 89°36'06" E	130.90			
POT (	85304)		1845632.937	6677716.712	0.000
	N 0°12'35" W	14.00			
POT (	85298)		1845646.937	6677716.660	0.000

Northing Error: 0.000 ft
 Easting Error: 0.004 ft
 Closing Direction: S 88°42'02" W
 Closing Distance: 0.004 ft
 Closed Area: 2482.3 sq ft (0.1 ac)
 Perimeter: 363.798 ft
 Precision: 95994.518

EXHIBIT “3”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-111-07

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 Parcel No. 2 in the Grant Deed recorded December 7, 2001 as Document No. 2001-0554708 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 1,039.03 feet to the northerly prolongation of the westerly line of said Parcel No. 2;

thence leaving said centerline along said northerly prolongation South $00^{\circ}12'35''$ East 40.00 feet to the northwesterly corner of said Parcel No. 2 and the **True Point of Beginning**;

thence along said westerly line South $00^{\circ}12'35''$ East 6.59 feet;

thence leaving said westerly line North $89^{\circ}36'06''$ East 91.00 feet to the easterly line of said Parcel No. 2;

thence along said easterly line North $00^{\circ}12'35''$ West 6.59 feet to the northeasterly corner of said Parcel No. 2;

thence along the northerly line of said Parcel No. 2 South $89^{\circ}36'25''$ West 91.00 feet to the **True Point of Beginning**.

Containing 600 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.

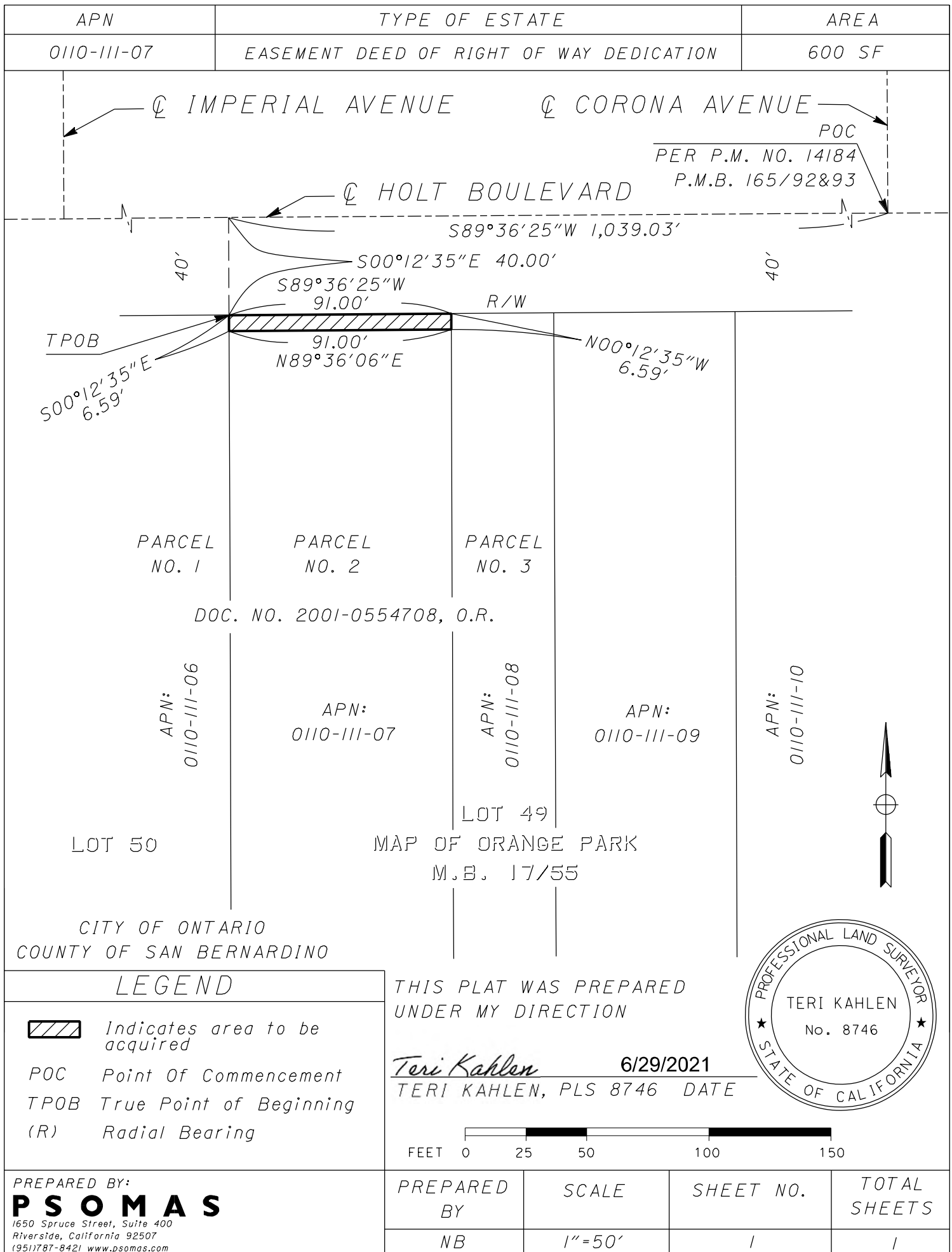
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/29/2021



EXHIBIT B



LEGEND



Indicates area to be acquired

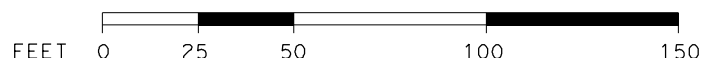
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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: 0110-111-07 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85297)		1845653.532	6677716.636	0.000
	S 0°12'35" E	6.59			
POT (	85298)		1845646.937	6677716.660	0.000
	N 89°36'06" E	91.00			
POT (	85556)		1845647.569	6677807.659	0.000
	N 0°12'35" W	6.59			
POT (	85557)		1845654.156	6677807.635	0.000
	S 89°36'25" W	91.00			
POT (	85297)		1845653.532	6677716.636	0.000

Northing Error: 0.008 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°23'45" E
 Closing Distance: 0.008 ft
 Closed Area: 599.8 sq ft (0.0 ac)
 Perimeter: 195.183 ft
 Precision: 23284.422

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-07

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 Parcel No. 2 in the Grant Deed recorded December 7, 2001 as Document No. 2001-0554708 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 1,039.03 feet to the northerly prolongation of the westerly line of said Parcel No. 2;

thence leaving said centerline along said northerly prolongation and said westerly line South $00^{\circ}12'35''$ East 46.60 feet to the **True Point of Beginning**;

thence leaving said westerly line North $89^{\circ}36'06''$ East 91.00 feet to the easterly line of said Parcel No. 2;

thence along said easterly line South $00^{\circ}12'35''$ East 14.00 feet;

thence leaving said easterly line South $89^{\circ}36'06''$ West 91.00 feet to said westerly line;

thence along said westerly line North $00^{\circ}12'35''$ West 14.00 feet to the **True Point of Beginning**.

Containing 1,274 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.

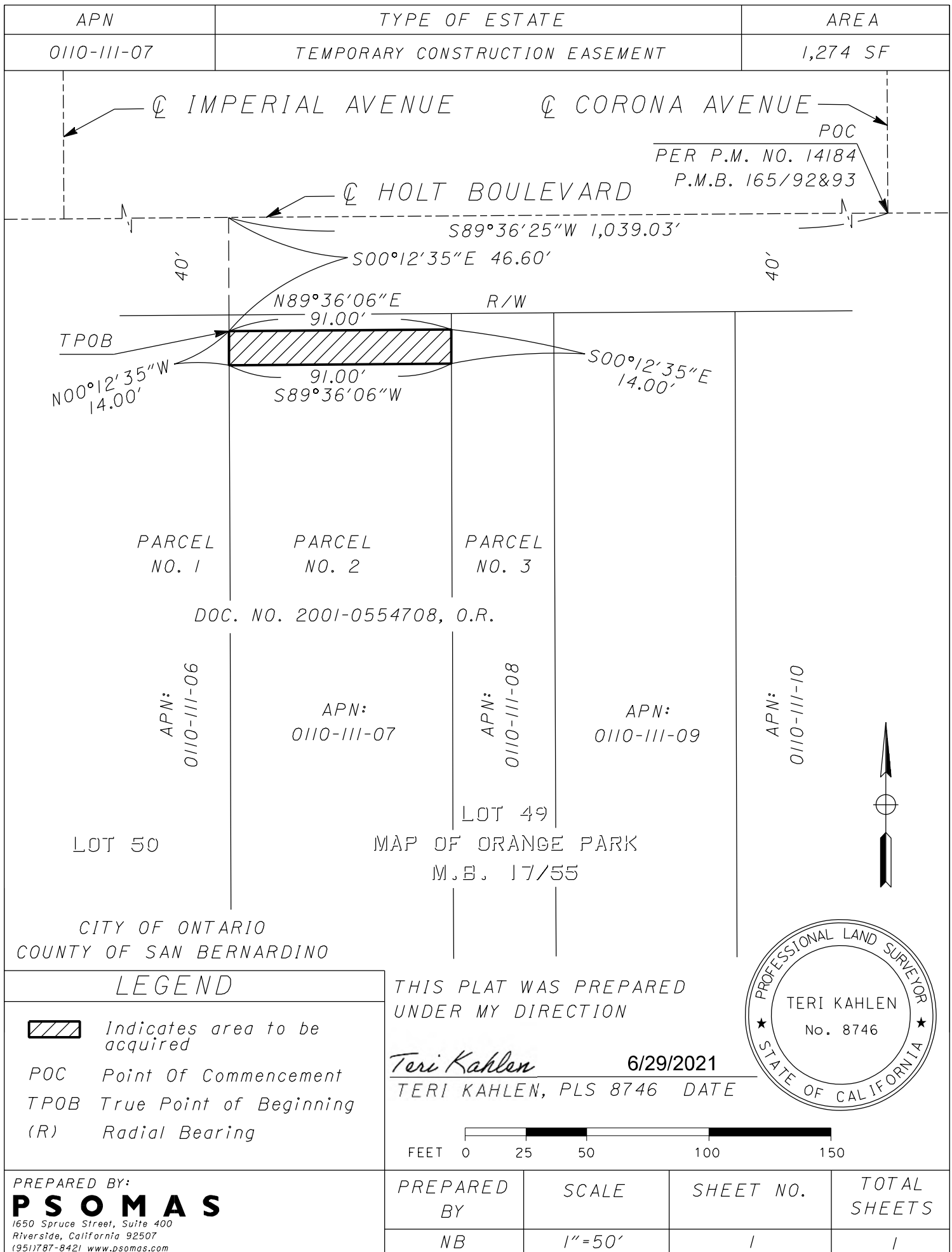
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/29/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0110-111-07 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85298)				
	N 89°36'06" E	91.00	1845646.937	6677716.660	0.000
POT (	85556)		1845647.569	6677807.659	0.000
	S 0°12'35" E	14.00			
POT (	85558)		1845633.569	6677807.710	0.000
	S 89°36'06" W	91.00			
POT (	85304)		1845632.937	6677716.712	0.000
	N 0°12'35" W	14.00			
POT (	85298)		1845646.937	6677716.660	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: 1274.0 sq ft (0.0 ac)
 Perimeter: 210.001 ft
 Precision: 1e.+41

EXHIBIT “5”

EXHIBIT 'A'
Legal Description
Easement Deed of Right of Way Dedication

APN: 0110-111-08

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 Parcel No. 3 in the Grant Deed recorded December 7, 2001 as Document No. 2001-0554708 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 easterly line of said Parcel No. 3;

thence leaving said centerline along said northerly prolongation South $00^{\circ}12'35''$ East 40.00 feet to the northeasterly corner of said Parcel No. 3 and the **True Point of Beginning**;

thence along said easterly line South $00^{\circ}12'35''$ East 6.58 feet;

thence leaving said easterly line South $89^{\circ}36'06''$ West 42.08 feet to the westerly line of said Parcel No. 3;

thence along said westerly line North $00^{\circ}12'35''$ West 6.59 feet to the northwesterly corner of said Parcel No. 3;

thence along the northerly line of said Parcel No. 3 North $89^{\circ}36'25''$ East 42.08 feet to the **True Point of Beginning**.

Containing 277 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	
0110-111-08	EASEMENT DEED OF RIGHT OF WAY DEDICATION		277 SF	

\angle IMPERIAL AVENUE \angle CORONA AVENUE
 \angle HOLT BOULEVARD
 POC
 PER P.M. NO. 14184
 P.M.B. 165/92&93
 40' 40'
 500°12'35"E 40.00'
 N89°36'25"E 42.08'
 R/W R/W
 N00°12'35"W 6.59'
 S89°36'06"W 42.08'
 S00°12'35"E 6.58'
 TPOB
 PARCEL NO. 1 PARCEL NO. 2 PARCEL NO. 3
 DOC. NO. 2001-0554708, O.R.
 APN: 0110-111-06 APN: 0110-111-07 APN: 0110-111-08 APN: 0110-111-09 APN: 0110-111-10
 LOT 50 LOT 49
 MAP OF ORANGE PARK M.B. 17/55
 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

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
NB	1"=50'	1	1

PROFESSIONAL LAND SURVEYOR
 TERI KAHLEN
 No. 8746
 STATE OF CALIFORNIA

Map Check Report

Project: WVC - OC
 Alignment: 0110-111-08 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
	S 89°36'06" W	42.08			
POT (	85556)		1845647.569	6677807.659	0.000
	N 0°12'35" W	6.59			
POT (	85557)		1845654.156	6677807.635	0.000
	N 89°36'25" E	42.08			
POT (	85560)		1845654.445	6677849.712	0.000

Northing Error: 0.006 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°05'31" E
 Closing Distance: 0.006 ft
 Closed Area: 277.1 sq ft (0.0 ac)
 Perimeter: 97.327 ft
 Precision: 15893.594

EXHIBIT “6”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-08

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 Parcel No. 3 in the Grant Deed recorded December 7, 2001 as Document No. 2001-0554708 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 easterly line of said Parcel No. 3;

thence leaving said centerline along said northerly prolongation and said easterly line South $00^{\circ}12'35''$ East 46.58 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}36'06''$ West 42.08 feet to the westerly line of said Parcel No. 3;

thence along said westerly line South $00^{\circ}12'35''$ East 23.00 feet;

thence leaving said westerly line North $89^{\circ}36'06''$ East 42.08 feet to said easterly line;

thence along said easterly line North $00^{\circ}12'35''$ West 23.00 feet to the **True Point of Beginning**.

Containing 968 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.

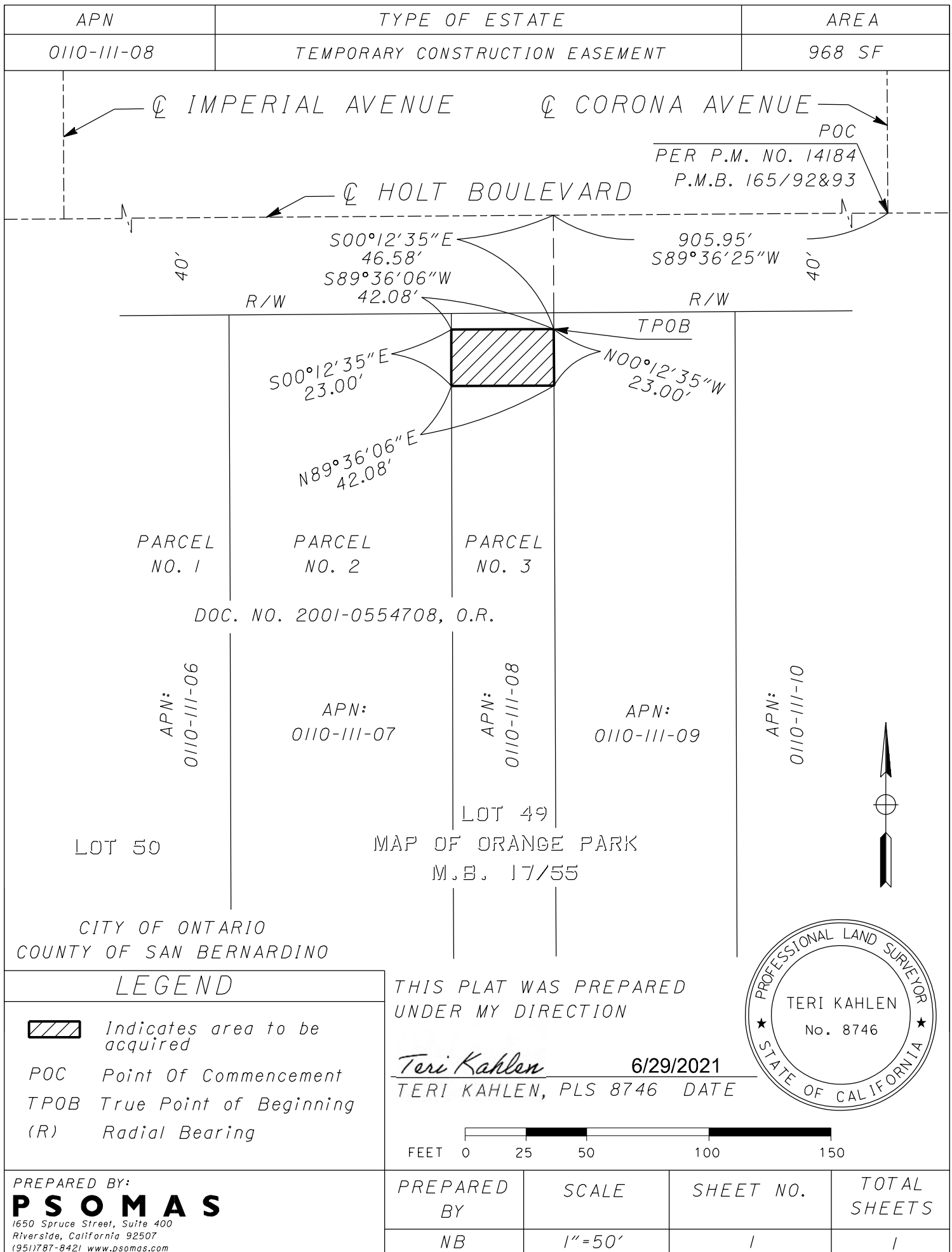
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/29/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0110-111-08 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85561)		1845647.862	6677849.736	0.000
	S 89°36'06" W	42.08			
POT (	85556)		1845647.569	6677807.659	0.000
	S 0°12'35" E	23.00			
POT (	85562)		1845624.569	6677807.743	0.000
	N 89°36'06" E	42.08			
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: 967.8 sq ft (0.0 ac)
 Perimeter: 130.157 ft
 Precision: 1e.+41

RESOLUTION OF NECESSITY No. 22-146

THOMAS G. MATLOCK AND JUDITH L.

MATLOCK, CO-TRUSTEES OF THE

MATLOCK LIVING TRUST-1997, DATED

APRIL 2, 1997 PROPERTY

(APN 0110-111-01)

RESOLUTION NO. 22-146

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. 0110-111-01

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 1614 E. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 0110-111-01 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and a total approximate 1,980 square foot temporary construction easement with a term of twenty-four months, consisting of an approximate 1,393 square foot temporary construction easement with a term of twenty-four months on Parcel A, and an approximate 587 square foot temporary construction easement with a term of twenty-four months on Parcel B 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 May 4, 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 proceedings 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 May 4, 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 May 4, 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: 0110-111-01

That portion of Lot 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 in the Quitclaim Deed recorded May 27, 1997 as Document No. 1997-0187566 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 1,893.00 feet to the northerly prolongation of the westerly line of the land described in said Quitclaim Deed;

thence along said northerly prolongation and said westerly line South $00^{\circ}25'35''$ East 50.00 feet to the **True Point of Beginning**;

thence continuing along said westerly line South $00^{\circ}25'35''$ East 0.22 feet;

thence leaving said westerly line North $88^{\circ}27'22''$ East 11.15 feet to a line parallel with and 50.00 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line South $89^{\circ}36'25''$ West 11.15 feet to the **True Point of Beginning**.

Parcel contains 1 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: 8/19/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-111-01	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1 SF

IMPERIAL AVENUE
 CORONA AVENUE
 HOLT BOULEVARD
 S89°36'25"W 1,893.00'
 POC
 PER R.S. 99-0117
 R.S.B. 113/90
 S00°25'35"E 50.00'
 50'
 TPOB
 S00°25'35"E 0.22'
 R/W
 S89°36'25"W 11.15'
 N88°27'22"E 11.15'
 R/W
 WALKER AVENUE STREET VACATION PER DOC. NO. 1997-0347850, O.R.
 APN: 0110-121-05
 CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO
 DOC. NO. 1997-0187566, O.R.
 LOT 52
 MAP OF ORANGE PARK
 M.B. 17/55
 APN: 0110-111-01

LEGEND		THIS PLAT WAS PREPARED UNDER MY DIRECTION	
	Indicates area to be acquired	<u>Teri Kahlen</u>	8/19/2021
POC	Point Of Commencement	TERI KAHLEN, PLS	DATE
TPOB	True Point of Beginning		
(R)	Radial Bearing		

PREPARED BY:	PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 (951)787-8421 www.psomas.com	NB	N.T.S.	1	1

NOT TO SCALE



Map Check Report

Project: WVC - OC
 Alignment: 0110-111-01 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85787)		1845637.67	6676862.92	0.00
	S 0°25'35" E	0.22			
PI (	85788)		1845637.45	6676862.92	0.00
	N 88°27'22" E	11.15			
PI (	85789)		1845637.75	6676874.07	0.00
	S 89°36'25" W	11.15			
POE (	85787)		1845637.67	6676862.92	0.00

Northing Error: 0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: S 28°40'36.99" E
 Closing Distance: 0.00 ft
 Closed Area: 1.25 sq ft (0.00 ac)
 Perimeter: 22.53 ft
 Precision: 5030.79

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-01

That portion of Lot 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 in the Quitclaim Deed recorded May 27, 1997 as Document No. 1997-0187566 of Official Records in the office of said County Recorder, together with the east half of that portion of Walker Street adjoining said land, vacated per Resolution 97-075 recorded September 22, 1997 as Document No. 1997-0347850 of said Official Records, described as follows:

Parcel A

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 1,893.00 feet to the northerly prolongation of the westerly line of the land described in said Quitclaim Deed;

thence along said northerly prolongation and said westerly line South 00°25'35" East 50.22 feet to the **True Point of Beginning**;

thence leaving said westerly line North 88°27'22" East 11.15 feet to a line parallel with and 50.00 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line North 89°36'25" East 82.99 feet;

thence leaving said parallel line South 00°23'54" East 0.82 feet;

thence South 00°40'37" East 13.58 feet;

thence North 89°31'15" West 4.82 feet;

thence South 02°27'29" West 6.72 feet;

thence South 07°11'38" West 0.88 feet;

thence South 88°27'22" West 39.66 feet;

thence North 01°32'38" West 14.47 feet;

thence South 88°27'22" West 49.01 feet to said westerly line and a point hereinafter referred to as "Point A";

thence along said westerly line North 00°25'35" West 9.00 feet to the **True Point of Beginning**.

Parcel contains 1,393 square feet, more or less.

Parcel B

Commencing at the hereinabove described "Point A";

thence along said westerly line South 00°25'35" East 0.77 feet to a line parallel with and 60.00 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line South 89°36'25" West 1.64 feet to the **True Point of Beginning**;

thence continuing along said parallel line South 89°36'25" West 28.36 feet to a line that is parallel with and 30.00 feet westerly of the easterly line of the land vacated per said Resolution 97-075;

thence along said parallel line South 00°25'35" East 20.83 feet;

thence leaving said parallel line North 88°27'04" East 28.76 feet;

thence North 01°32'38" West 20.26 feet to the **True Point of Beginning**.

Parcel contains 587 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).

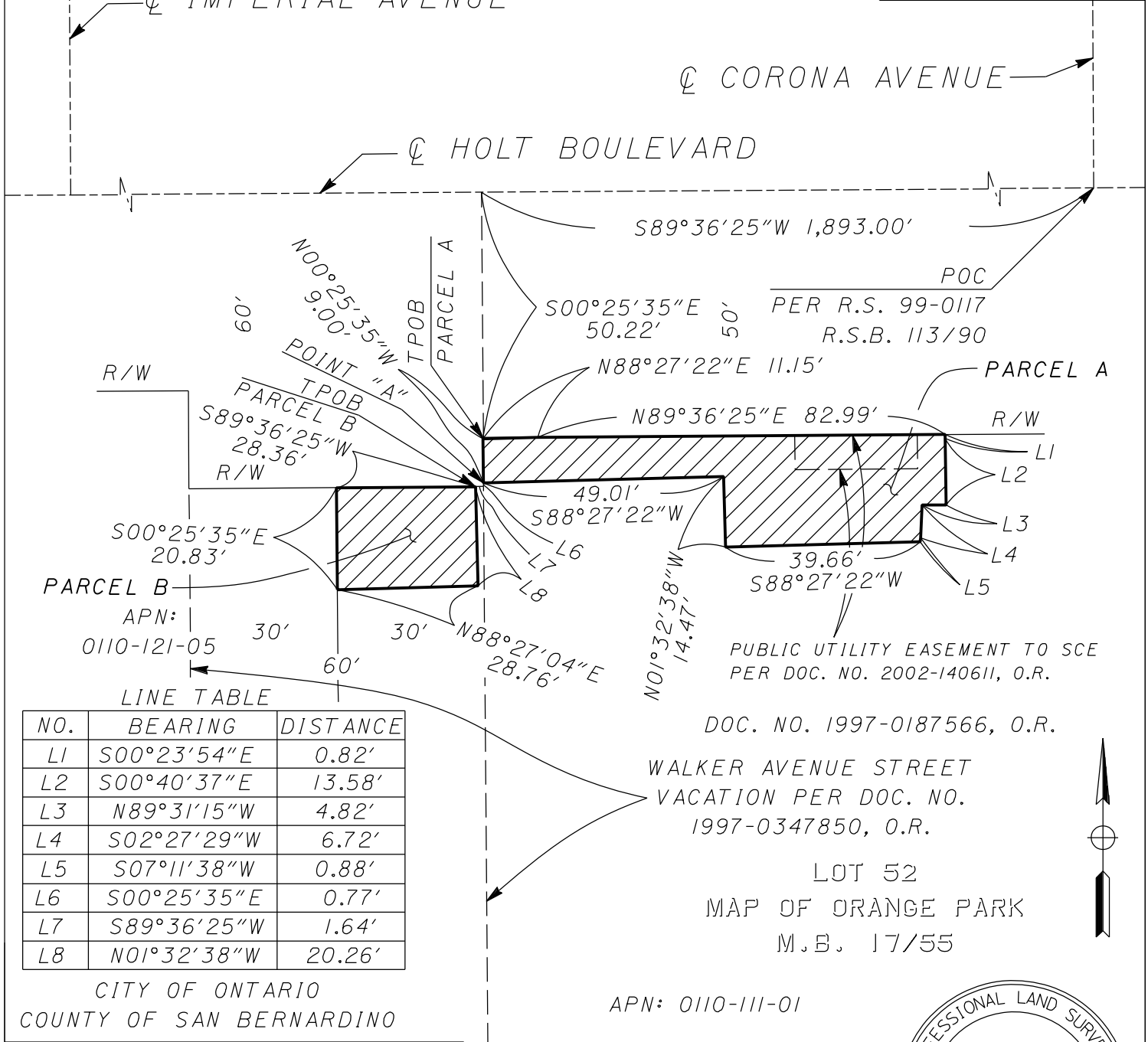
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/19/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-111-01	TEMPORARY CONSTRUCTION EASEMENT	PARCEL A 1,393 SF
		PARCEL B 587 SF



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 NB	SCALE 1"=30'	SHEET NO. 1	TOTAL SHEETS 1
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Map Check Report

Project: WVC - OC
 Alignment: 0110-111-01 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85788)		1845637.45	6676862.92	0.00
	N 88°27'22" E	11.15			
PI (	85789)		1845637.75	6676874.07	0.00
	N 89°36'25" E	82.99			
PI (	85790)		1845638.32	6676957.06	0.00
	S 0°23'54" E	0.82			
PI (	85797)		1845637.50	6676957.07	0.00
	S 0°40'37" E	13.58			
PI (	85791)		1845623.92	6676957.23	0.00
	N 89°31'15" W	4.82			
PI (	85792)		1845623.96	6676952.41	0.00
	S 2°27'29" W	6.72			
PI (	85798)		1845617.25	6676952.12	0.00
	S 7°11'38" W	0.88			
PI (	85793)		1845616.37	6676952.01	0.00
	S 88°27'22" W	39.66			
PI (	85794)		1845615.31	6676912.37	0.00
	N 1°32'38" W	14.47			
PI (	85795)		1845629.77	6676911.98	0.00
	S 88°27'22" W	49.01			
PI (	85796)		1845628.45	6676862.99	0.00
	N 0°25'35" W	9.00			
POE (	85788)		1845637.45	6676862.92	0.00

Northing Error: -0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: N 88°13'26.82" E
 Closing Distance: 0.01 ft
 Closed Area: 1392.82 sq ft (0.03 ac)
 Perimeter: 233.10 ft
 Precision: 18282.25

Map Check Report

Project: WVC - OC
 Alignment: 0110-111-01 TCE PCLB
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85800)		1845627.66	6676861.35	0.00
	S 89°36'25" W	28.36			
PI (	85555)		1845627.47	6676832.99	0.00
	S 0°25'35" E	20.83			
PI (	65182)		1845606.63	6676833.15	0.00
	N 88°27'04" E	28.76			
PI (	85801)		1845607.41	6676861.90	0.00
	N 1°32'38" W	20.26			
POE (	85800)		1845627.66	6676861.35	0.00

Northing Error: 0.01 ft
 Easting Error: -0.00 ft
 Closing Direction: S 6°28'20.70" E
 Closing Distance: 0.01 ft
 Closed Area: 586.75 sq ft (0.01 ac)
 Perimeter: 98.21 ft
 Precision: 16126.47

RESOLUTION OF NECESSITY No. 22-152

**AMAZING GRACE CLOTHING, LLC, A
TEXAS LIMITED LIABILITY COMPANY
PROPERTY**

(APN 0110-061-01)

RESOLUTION NO. 22-152

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. 0110-061-01

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 1373 East Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 0110-061-01 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,321 square foot permanent easement, legally described and depicted in Exhibit "1" hereto; and an approximate 722 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 May 4, 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 May 4, 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 May 4, 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: 0110-061-01

That portion of Lot 33, according to 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 November 1, 2005 as Document No. 2005-0820882 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. 7768 filed in Book 87, Pages 78 and 79 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}35'44''$ West 381.14 feet to the southerly prolongation of the easterly line of said Lot 33;

thence along said southerly prolongation North $00^{\circ}18'35''$ West 40.00 feet to the southeasterly corner of said Lot 33 and the **True Point of Beginning**;

thence along said easterly line North $00^{\circ}18'35''$ West 11.02 feet;

thence leaving said easterly line South $89^{\circ}36'06''$ West 113.96 feet to the beginning of a tangent curve, concave southerly having a radius of 21.41 feet;

thence westerly 5.49 feet along said curve through a central angle of $14^{\circ}41'29''$ to a reverse curve, concave northwesterly having a radius of 21.41 feet, a radial line to said curve bears South $15^{\circ}05'23''$ East;

thence southwesterly 0.62 feet along said curve through a central angle of $01^{\circ}39'40''$ to the westerly line of the land described in said Grant Deed;

thence along said westerly line South $00^{\circ}18'35''$ East 10.18 feet to the southwesterly corner of said land;

thence along the southerly line of said land North $89^{\circ}35'44''$ East 119.99 feet to the **True Point of Beginning**.

Parcel contains 1,321 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).

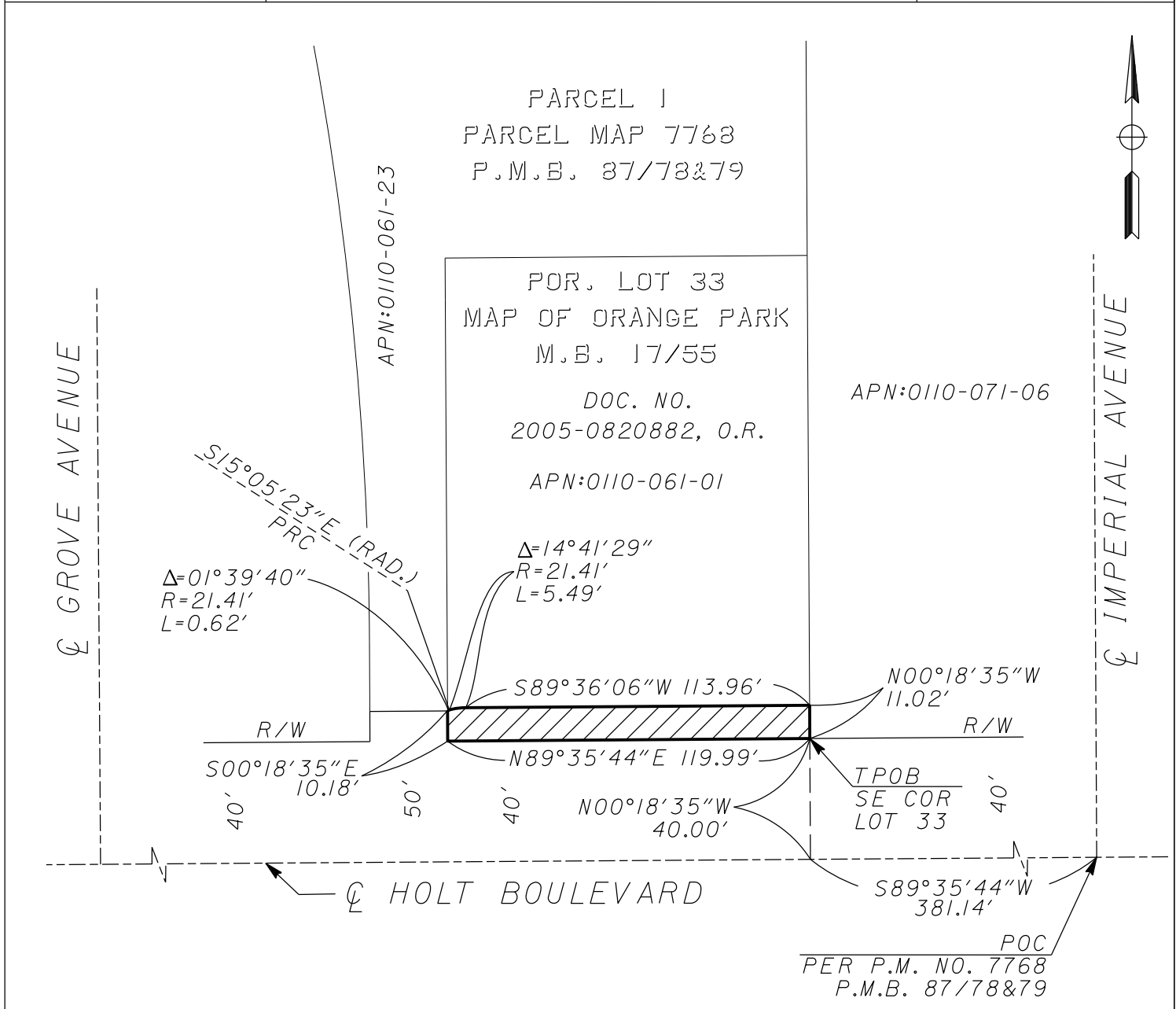
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/17/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-061-01	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,321 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

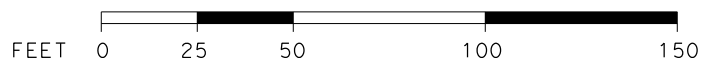
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/17/2021

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: 0110-061-01 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65142)		1845718.40	6675522.30	0.00
	N 0°18'35" W	11.02			
PI (	65141)		1845729.42	6675522.24	0.00
	S 89°36'06" W	113.96			
BC (	65208)		1845728.63	6675408.28	0.00
	Radius:	21.41			
	Delta:	14°41'29"			
	Length:	5.49			
	Chord:	5.47			
	Tangent:	2.76			
	Middle Ordinate:	0.18			
	External:	0.18			
	N 0°23'54" W (Radial)				
CC (	65207)		1845707.22	6675408.43	0.00
	S 82°15'22" W (Chord)				
	N 15°05'23" W (Radial)				
PRC (	65206)		1845727.89	6675402.86	0.00
	Radius:	21.41			
	Delta:	1°39'40"			
	Length:	0.62			
	Chord:	0.62			
	Tangent:	0.31			
	Middle Ordinate:	0.00			
	External:	0.00			
	N 15°05'23" W (Radial)				
CC (	65205)		1845748.56	6675397.29	0.00
	S 75°44'28" W (Chord)				
	N 13°25'42" W (Radial)				
EC (	65204)		1845727.74	6675402.26	0.00
	S 0°18'35" E	10.18			
PI (	65203)		1845717.55	6675402.31	0.00
	N 89°35'44" E	119.99			
POE (	65142)		1845718.40	6675522.30	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: S 40°25'15" W
 Closing Distance: 0.01 ft
 Closed Area: 1321.35 sq ft (0.03 ac)
 Perimeter: 261.27 ft
 Precision: 40241.19

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-061-01

That portion of Lot 33, according to 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 November 1, 2005 as Document No. 2005-0820882 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. 7768 filed in Book 87, Pages 78 and 79 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}35'44''$ West 381.14 feet to the southerly prolongation of the easterly line of said Lot 33;

thence along said southerly prolongation and said easterly line North $00^{\circ}18'35''$ West 51.02 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}36'06''$ West 113.96 feet to the beginning of a tangent curve, concave southerly having a radius of 21.41 feet;

thence westerly 5.49 feet along said curve through a central angle of $14^{\circ}41'29''$ to a reverse curve, concave northwesterly having a radius of 21.41 feet, a radial line to said curve bears South $15^{\circ}05'23''$ East;

thence southwesterly 0.62 feet along said curve through a central angle of $01^{\circ}39'40''$ to the westerly line of the land described in said Grant Deed;

thence along said westerly line North $00^{\circ}18'35''$ West 6.85 feet;

thence leaving said westerly line North $89^{\circ}36'06''$ East 119.99 feet to said easterly line;

thence along said easterly line South $00^{\circ}18'35''$ East 6.00 feet to the **True Point of Beginning**.

Parcel contains 722 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).

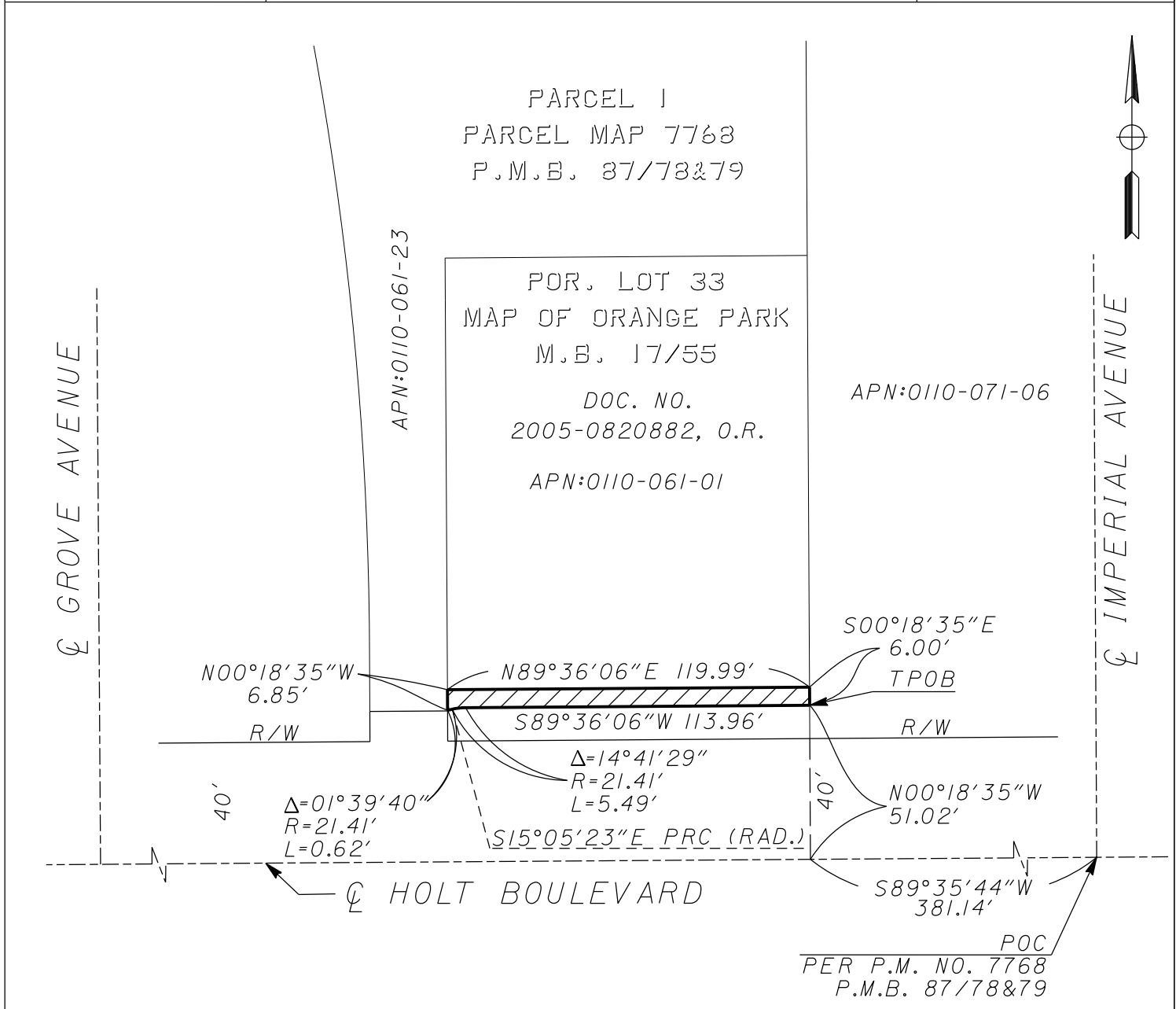
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/17/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-061-01	TEMPORARY CONSTRUCTION EASEMENT	722 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

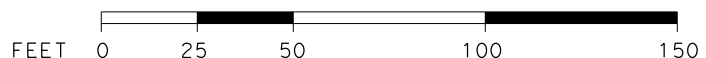
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

5/17/2021

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: 0110-061-01 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65141)		1845729.42	6675522.24	0.00
	S 89°36'06" W	113.96			
BC (	65208)		1845728.63	6675408.28	0.00
	Radius:	21.41			
	Delta:	14°41'29"			
	Length:	5.49			
	Chord:	5.47			
	Tangent:	2.76			
	Middle Ordinate:	0.18			
	External:	0.18			
	N 0°23'54" W (Radial)				
CC (	65207)		1845707.22	6675408.43	0.00
	S 82°15'22" W (Chord)				
	N 15°05'23" W (Radial)				
PRC (	65206)		1845727.89	6675402.86	0.00
	Radius:	21.41			
	Delta:	1°39'40"			
	Length:	0.62			
	Chord:	0.62			
	Tangent:	0.31			
	Middle Ordinate:	0.00			
	External:	0.00			
	N 15°05'23" W (Radial)				
CC (	65205)		1845748.56	6675397.29	0.00
	S 75°44'28" W (Chord)				
	N 13°25'42" W (Radial)				
EC (	65204)		1845727.74	6675402.26	0.00
	N 0°18'35" W	6.85			
PI (	65209)		1845734.59	6675402.22	0.00
	N 89°36'06" E	119.99			
PI (	65143)		1845735.42	6675522.21	0.00
	S 0°18'35" E	6.00			
POE (	65141)		1845729.42	6675522.24	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: S 63°11'53" W
 Closing Distance: 0.00 ft
 Closed Area: 721.68 sq ft (0.02 ac)
 Perimeter: 252.91 ft
 Precision: 53175.03