

Support Material Agenda Item No. 30

Board of Directors Meeting

June 1, 2022

10:00 AM

Location:

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

DISCUSSION ITEMS

Transit

30. **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:

- **MJ United, Inc., a California corporation. (Assessor's Parcel Number [APN] 1049-011-05);**
- **Daru Property Management, LLC, a California limited liability company (APN 1048-522-10);**
- **Alicia Rojas, Trustee of The Alicia Rojas Family Trust established December 15, 2008, and Luis Alberto Rojas, Trustee of the Luis Alberto Rojas Family Trust established December 15, 2008 (APNs 1049-063-03 & 04);**
- **Joao Ricardo Carvalho and Lisa Castro Carvalho, husband and wife, as joint tenants (APN 1049-063-05);**
- **B&G Plaza, a California general partnership (APN 1049-065-11);**
- **Judy Almaraz, Trustee of the Judy Almaraz Family Trust, dated June 3, 2008 (APN 1049-091-04); and**
- **John Roubian, a married man, as his sole and separate property (APNs 1049-093-03 & 04).**

RESOLUTION OF NECESSITY No. 22-153

**MJ UNITED, INC., A CALIFORNIA
CORPORATION PROPERTY**

(APN 1049-011-05)

RESOLUTION NO. 22-153

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-011-05

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, portions of the real property located at 739 W. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-011-05 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 533 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 93 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 June 1, 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 June 1, 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 June 1, 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: 1049-011-05

Those portions of Lots 1 and 2, Graves Knoles and Blood's Subdivision, in the City of Ontario, County of San Bernardino, State of California, per map filed in Book 15, Page 16 of Maps in the office of the County Recorder of said County, described as Parcel No. 1 in a Quitclaim Deed recorded June 15, 2015 as Document No. 2015-0247678 of Official Records in the office of said County Recorder, lying northerly and northeasterly of the following described line:

Commencing at the centerline intersection of Granite Avenue and Holt Boulevard, as shown on Parcel Map No. 15853 per map filed in Book 203, Pages 76 and 77 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}35'56''$ East 627.08 feet to the northerly prolongation of the westerly line of Lot 2 of Block B as shown on Map of Smith and Mitchells Addition, per map recorded in Book 18, Page 14 of Maps in the office of said County Recorder;

thence leaving said centerline and along said northerly prolongation South $00^{\circ}24'34''$ East 40.00 feet to the northwesterly corner of said Lot 2;

thence along said westerly line South $00^{\circ}24'34''$ East 12.43 feet to the **True Point of Beginning**;

thence leaving said westerly line North $89^{\circ}35'56''$ East 48.53 feet;

thence North $42^{\circ}07'24''$ East 6.06 feet;

thence South $88^{\circ}15'05''$ East 43.65 feet;

thence South $37^{\circ}35'09''$ East 15.05 feet to the easterly line of said Parcel No. 1.

Containing 533 square feet, more or less.

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

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

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

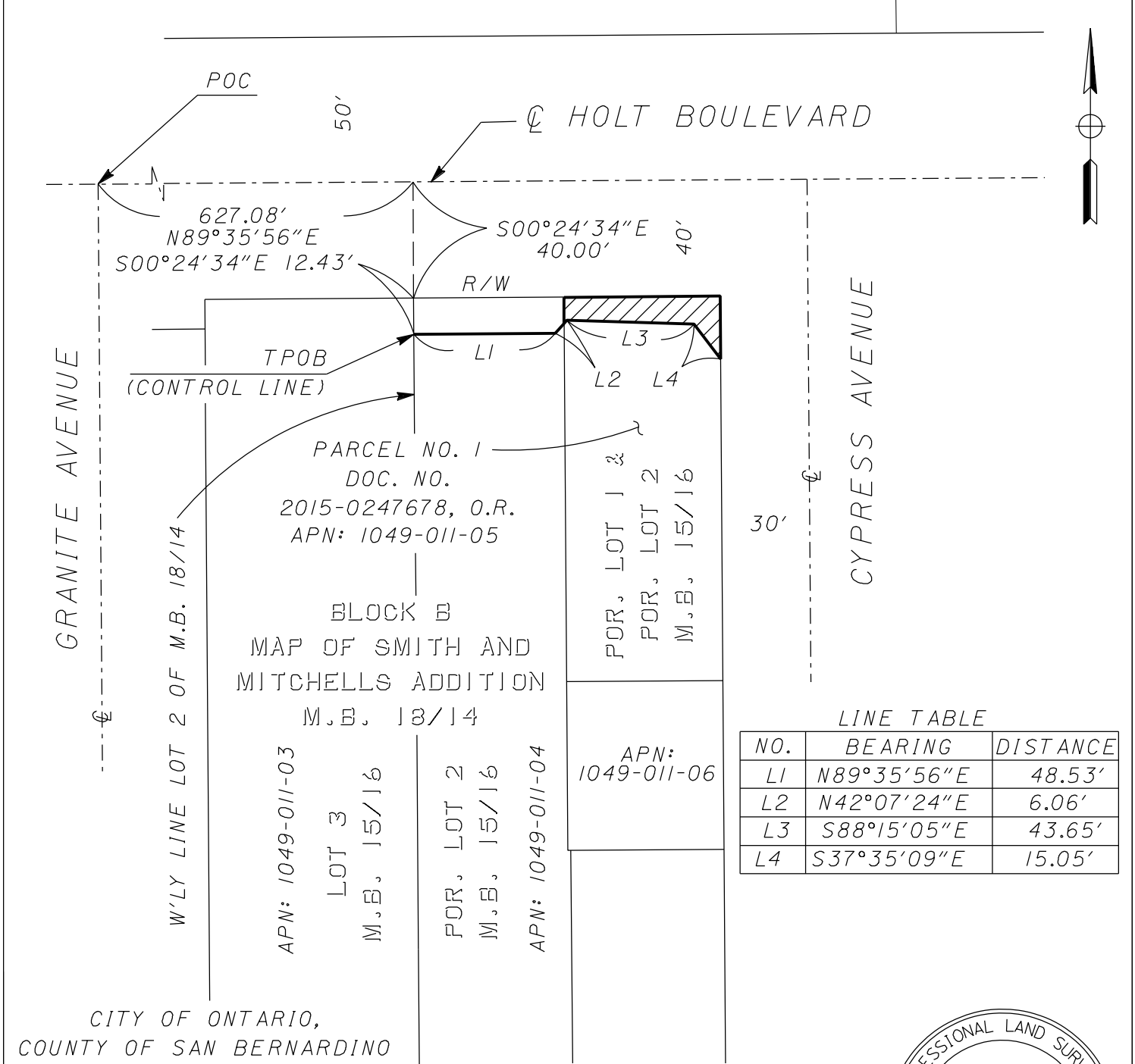
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/12/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-011-05	EASEMENT DEED OF RIGHT OF WAY DEDICATION	533 SF



LEGEND



Indicates area to be acquired

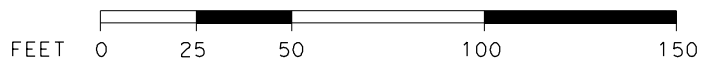
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

3/12/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: SBCTA BRT Pcl Calcs (KC)
 Alignment: 1049-011-05 CL
 Description: CONTROL LINE FOR ROW PCL LINE

Type Elevation	Point Name\ Direction	Length	Northing	Easting
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POC (1530) 0.00			1845594.78	6663305.02
	N 89°35'56" E	627.08		
PI (100148) 0.00			1845599.17	6663932.09
	S 0°24'34" E	40.00		
PI (100113) 0.00			1845559.17	6663932.37
	S 0°24'34" E	12.43		
TPOB (100126) 0.00			1845546.74	6663932.46
	N 89°35'56" E	48.53		
PI (100122) 0.00			1845547.08	6663980.99
	N 42°07'24" E	6.06		
PI (100123) 0.00			1845551.58	6663985.05
	S 88°15'05" E	43.65		
PI (100124) 0.00			1845550.25	6664028.68
	S 37°35'09" E	15.05		
POE (100125) 0.00			1845538.32	6664037.87

Northing Error: -56.46 ft
 Easting Error: 732.84 ft
 Closing Direction: N 85°35'39" W
 Closing Distance: 735.01 ft
 Closed Area: 0 sq ft (0 ac)
 Perimeter: 792.81 ft
 Precision: 1.08

Map Check Report

Project: SBCTA BRT Pcl Calcs (KC)
 Alignment: 1049-011-05 ROW
 Description: ROW ESMT PCL

Type	Point Name\		Northing	Easting
Elevation	Direction	Length		
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POB (100117)			1845559.53	6663984.01
0.00				
	S 0°24'34" E	9.03		
PI (100127)			1845550.50	6663984.08
0.00				
	N 42°07'24" E	1.46		
PI (100123)			1845551.58	6663985.05
0.00				
	S 88°15'05" E	43.65		
PI (100124)			1845550.25	6664028.68
0.00				
	S 37°35'09" E	15.05		
PI (100125)			1845538.32	6664037.87
0.00				
	N 0°24'34" W	21.59		
PI (100119)			1845559.91	6664037.71
0.00				
	S 89°35'56" W	53.70		
POE (100117)			1845559.53	6663984.01
0.00				

Northing Error: 0.01 ft
 Easting Error: 0.00 ft
 Closing Direction: S 1°35'25" W
 Closing Distance: 0.01 ft
 Closed Area: 533 sq ft (0 ac)
 Perimeter: 144.49 ft
 Precision: 17086.46

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-011-05

Those portions of Lots 1 and 2, Graves Knoles and Blood's Subdivision, in the City of Ontario, County of San Bernardino, State of California, per map filed in Book 15, Page 16 of Maps in the office of the County Recorder of said County, described as Parcel No. 1 in a Quitclaim Deed recorded June 15, 2015 as Document No. 2015-0247678 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Granite Avenue and Holt Boulevard, as shown on Parcel Map No. 15853 per map filed in Book 203, Pages 76 and 77 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°35'56" East 678.72 feet to the northerly prolongation of the westerly line of said Parcel No. 1;

thence leaving said centerline and along said northerly prolongation South 00°24'34" East 40.00 feet to the northwesterly corner of said Parcel No. 1;

thence along said westerly line South 00°24'34" East 9.03 feet to the **True Point of Beginning**;

thence leaving said westerly line North 42°07'24" East 1.46 feet;

thence South 88°15'05" East 43.65 feet;

thence South 37°35'09" East 10.73 feet;

thence South 52°24'51" West 0.31 feet;

thence North 85°33'44" West 2.58 feet;

thence North 45°58'19" West 4.21 feet;

thence North 08°33'23" West 2.32 feet;

thence North 02°18'49" West 2.90 feet;

thence South 89°30'51" West 24.06 feet;

thence South 00°43'14" West 2.31 feet;

thence South 87°31'26" West 7.66 feet;

thence North 03°10'25" West 2.58 feet;

thence South 89°39'34" West 12.95 feet to the westerly line of said Parcel No. 1;

thence along said westerly line North 00°24'34" West 0.96 feet to the **True Point of Beginning**;

Containing 93 square feet, more or less.

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

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

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

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/12/2021



EXHIBIT B

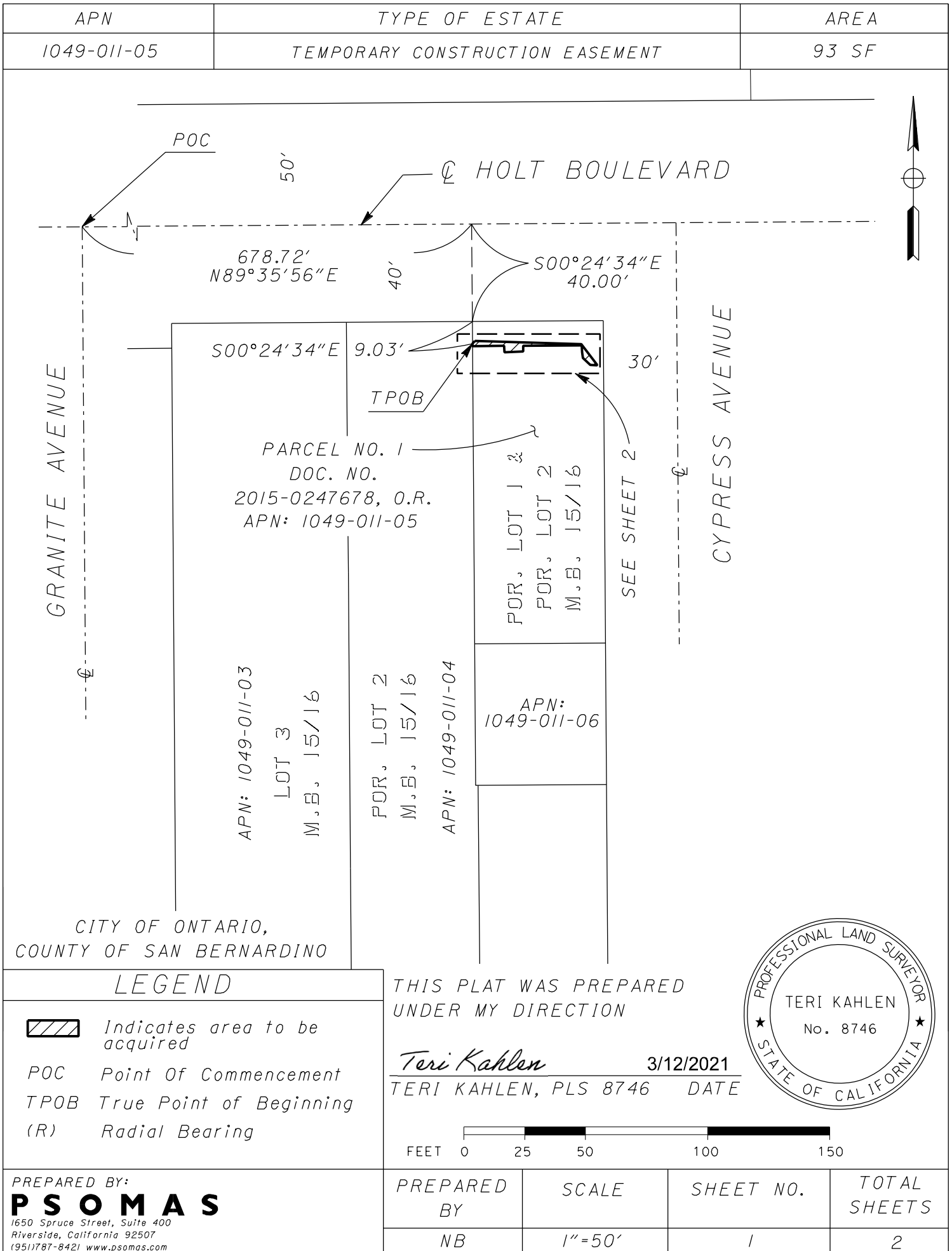
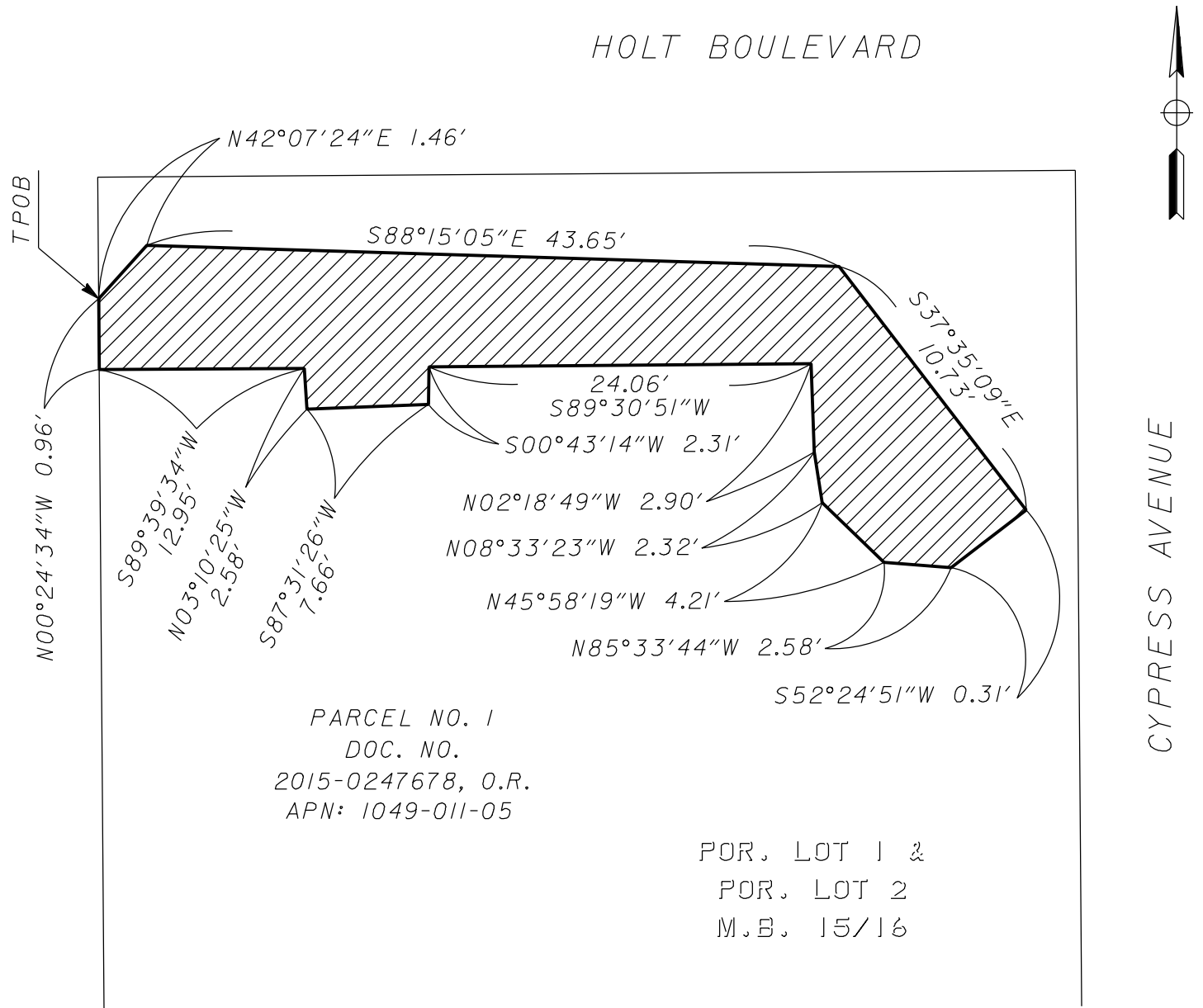


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-011-05	TEMPORARY CONSTRUCTION EASEMENT	93 SF



CITY OF ONTARIO,
 COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

PREPARED BY:

PSOMAS

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

PREPARED
 BY

NB

SCALE

NTS

SHEET NO.

2

TOTAL
 SHEETS

2

Map Check Report

Project: SBCTA BRT Pcl Calcs (KC)
 Alignment: 1049-011-05 TCE
 Description: TCE

Type Elevation	Point Name\ Direction	Length	Northing	Easting
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TPOB (100127) 0.00			1845550.50	6663984.08
	N 42°07'24" E	1.46		
PI (100123) 0.00			1845551.58	6663985.05
	S 88°15'05" E	43.65		
PI (100124) 0.00			1845550.25	6664028.68
	S 37°35'09" E	10.73		
PI (100146) 0.00			1845541.75	6664035.23
	S 52°24'51" W	0.31		
PI (100145) 0.00			1845541.56	6664034.99
	N 85°33'44" W	2.58		
PI (100144) 0.00			1845541.76	6664032.41
	N 45°58'19" W	4.21		
PI (100143) 0.00			1845544.69	6664029.38
	N 8°33'23" W	2.32		
PI (100142) 0.00			1845546.98	6664029.04
	N 2°18'49" W	2.90		
PI (100141) 0.00			1845549.87	6664028.92
	S 89°30'51" W	24.06		
PI (100140) 0.00			1845549.67	6664004.86
	S 0°43'14" W	2.31		
PI (100139) 0.00			1845547.36	6664004.83
	S 87°31'26" W	7.66		
PI (100138) 0.00			1845547.03	6663997.18
	N 3°10'25" W	2.58		
PI (100137) 0.00			1845549.61	6663997.03
	S 89°39'34" W	12.95		

PI (100136)		1845549.54	6663984.08
0.00			
N 0°24'34" W	0.96		
TPOB (100127)		1845550.50	6663984.08
0.00			

Northing Error: -0.01 ft
 Easting Error: 0.01 ft
 Closing Direction: N 32°58'19" W
 Closing Distance: 0.01 ft
 Closed Area: 93 sq ft (0 ac)
 Perimeter: 118.67 ft
 Precision: 10695.02

RESOLUTION OF NECESSITY No. 22-155
DARU PROPERTY MANAGEMENT, LLC, A
CALIFORNIA LIMITED LIABILITY
COMPANY PROPERTY
(APN 1048-522-10)

RESOLUTION NO. 22-155

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. 1048-522-10

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

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

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

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

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

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

WHEREAS, portions of the real property located at 517 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1048-522-10 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 637 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 6,173 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 June 1, 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 June 1, 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 June 1, 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: 1048-522-10

That portion of Lot 3 of Elliot's Subdivision, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 17, Page 35 of Maps in the office of the County Recorder of said County, described as follows:

Beginning at the southeasterly corner of said Lot 3;

thence along the easterly line of said Lot 3 North 00°23'46" West 12.20 feet;

thence leaving said easterly line North 88°15'05" West 48.68 feet to the westerly line of said Lot 3;

thence along said westerly line South 00°23'46" East 13.99 feet to the southwesterly corner of said Lot 3;

thence along the southerly line of said Lot 3 North 89°38'27" East 48.65 feet to the **True Point of Beginning**.

Parcel contains 637 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).

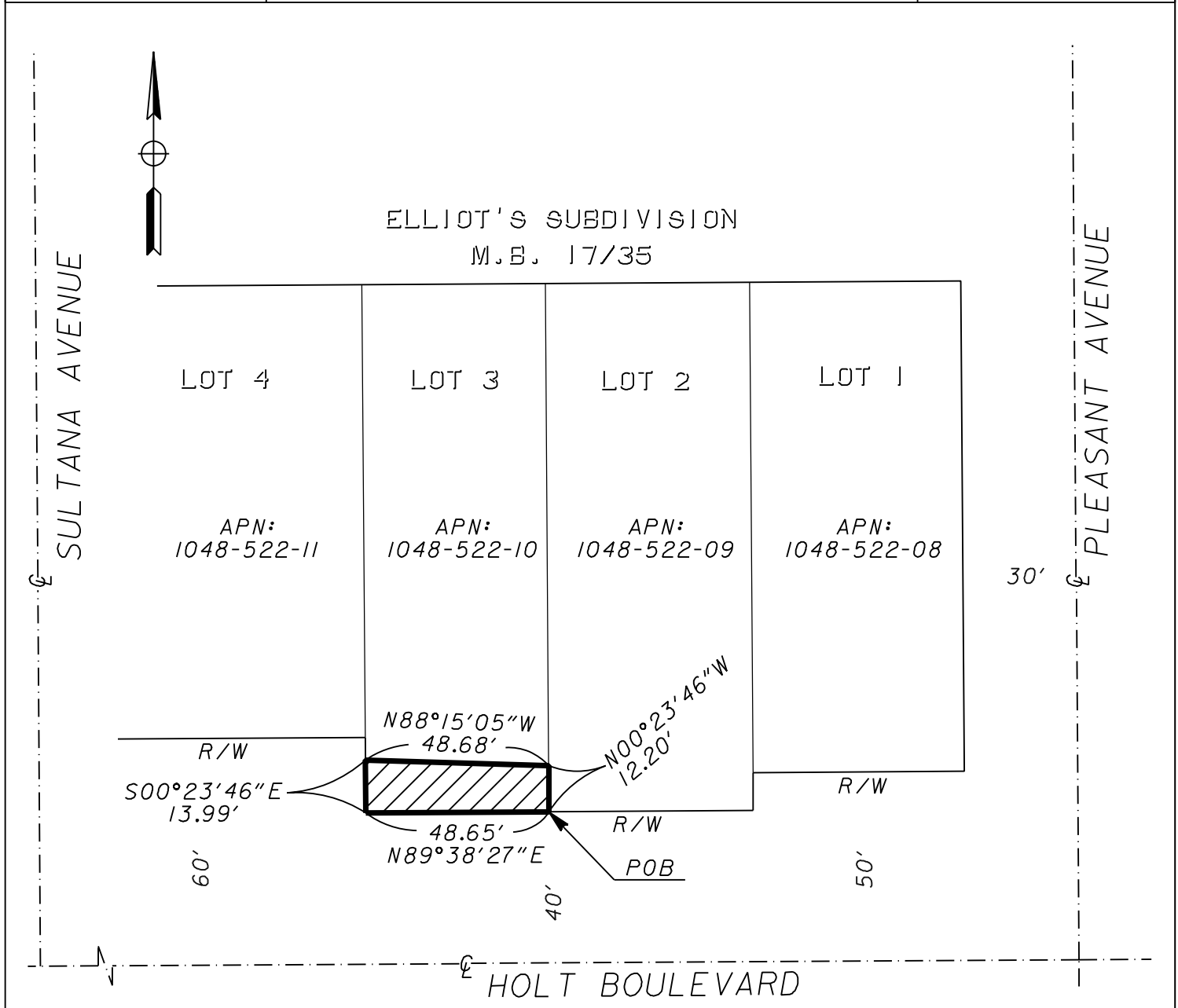
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/15/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-522-10	EASEMENT DEED OF RIGHT OF WAY DEDICATION	637 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

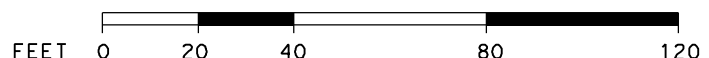
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/15/2021

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
TK	1"=40'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1048-522-10 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
-----	-----	-----	-----	-----	-----
POB (	65630)		1845674.73	6669095.93	0.00
	N 0°23'46" W	12.20			
PI (	65631)		1845686.93	6669095.84	0.00
	N 88°15'05" W	48.68			
PI (	65634)		1845688.41	6669047.18	0.00
	S 0°23'46" E	13.99			
PI (	65635)		1845674.42	6669047.28	0.00
	N 89°38'27" E	48.65			
POE (	65630)		1845674.73	6669095.93	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: S 83°46'50" W
 Closing Distance: 0.00 ft
 Closed Area: 636.87 sq ft (0.01 ac)
 Perimeter: 123.51 ft
 Precision: 30038.37

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1048-522-10

Lot 3 of Elliot's Subdivision, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 17, Page 35 of Maps in the office of the County Recorder of said County.

EXCEPT THEREFROM that portion described as follows:

Beginning at the southeasterly corner of said Lot 3;

thence along the easterly line of said Lot 3 North 00°23'46" West 12.20 feet;

thence leaving said easterly line North 88°15'05" West 48.68 feet to the westerly line of said Lot 3;

thence along said westerly line South 00°23'46" East 13.99 feet to the southwesterly corner of said Lot 3;

thence along the southerly line of said Lot 3 North 89°38'27" East 48.65 feet to the **True Point of Beginning**.

Parcel contains 6,173 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: 7/15/2021



EXHIBIT B

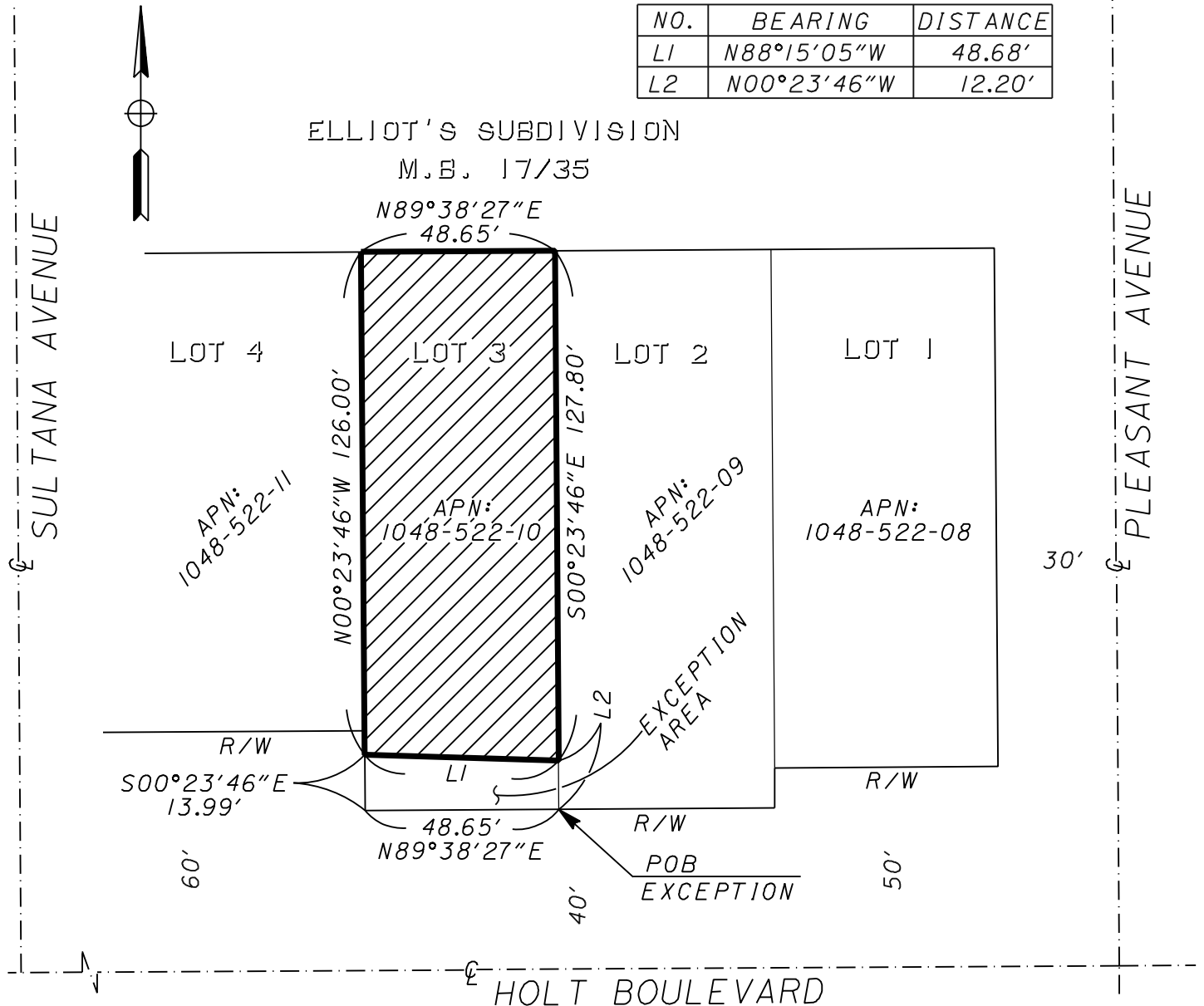
APN	TYPE OF ESTATE	AREA
1048-522-10	TEMPORARY CONSTRUCTION EASEMENT	6,173 SF

LINE TABLE

NO.	BEARING	DISTANCE
L1	N88°15'05"W	48.68'
L2	N00°23'46"W	12.20'

ELLIOT'S SUBDIVISION

M.B. 17/35



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

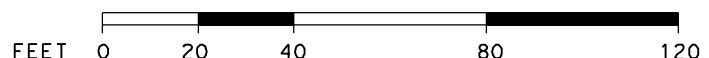
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/15/2021

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"=40'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1048-522-10 TCE Area
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65631)		1845686.93	6669095.84	0.00
	N 88°15'05" W	48.68			
PI (	65634)		1845688.41	6669047.18	0.00
	N 0°23'46" W	126.00			
PI (	65638)		1845814.41	6669046.31	0.00
	N 89°38'27" E	48.65			
PI (	65637)		1845814.72	6669094.96	0.00
	S 0°23'46" E	127.80			
POE (	65631)		1845686.93	6669095.84	0.00

Northing Error: -0.01 ft
 Easting Error: 0.00 ft
 Closing Direction: N 23°30'49" W
 Closing Distance: 0.01 ft
 Closed Area: 6173.18 sq ft (0.14 ac)
 Perimeter: 351.13 ft
 Precision: 33699.52

RESOLUTION OF NECESSITY No. 22-156

**ALICIA ROJAS, TRUSTEE OF THE ALICIA
ROJAS FAMILY TRUST ESTABLISHED
DECEMBER 15, 2008 AND LUIS ALBERTO
ROJAS, TRUSTEE OF THE LUIS ALBERTO
ROJAS FAMILY TRUST ESTABLISHED
DECEMBER 15, 2008 PROPERTY
(APNS 1049-063-03 & 1049-063-04)**

RESOLUTION NO. 22-156

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 1049-063-03 & 1049-063-04

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

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

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

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

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

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

WHEREAS, portions of the real property located at 220 – 222 E. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1049-063-03 and 1049-063-04 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 507 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 4,021 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 June 1, 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 June 1, 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 June 1, 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: 1049-063-03 & 1049-063-04

That portion of Lot 2 of Block 51, Map of the Town 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, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Lemon Avenue as shown on Tract Map No. 18029-2, as per map filed in Book 326, Pages 99 and 100 of Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°37'01" East 275.17 feet to the northerly prolongation of the easterly line of said Lot 2;

thence along said northerly prolongation South 00°22'47" East 40.00 feet to the northeasterly corner of said Lot 2 and the **True Point of Beginning**;

thence along said easterly line South 00°22'47" East 10.47 feet;

thence leaving said easterly line South 89°36'55" West 48.44 feet to the westerly line of said Lot 2;

thence along said westerly line North 00°22'47" West 10.47 feet to the northwesterly corner of said Lot 2;

thence along the northerly line of said Lot 2 North 89°37'01" East 48.44 feet to the **True Point of Beginning**.

Parcel contains 507 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).

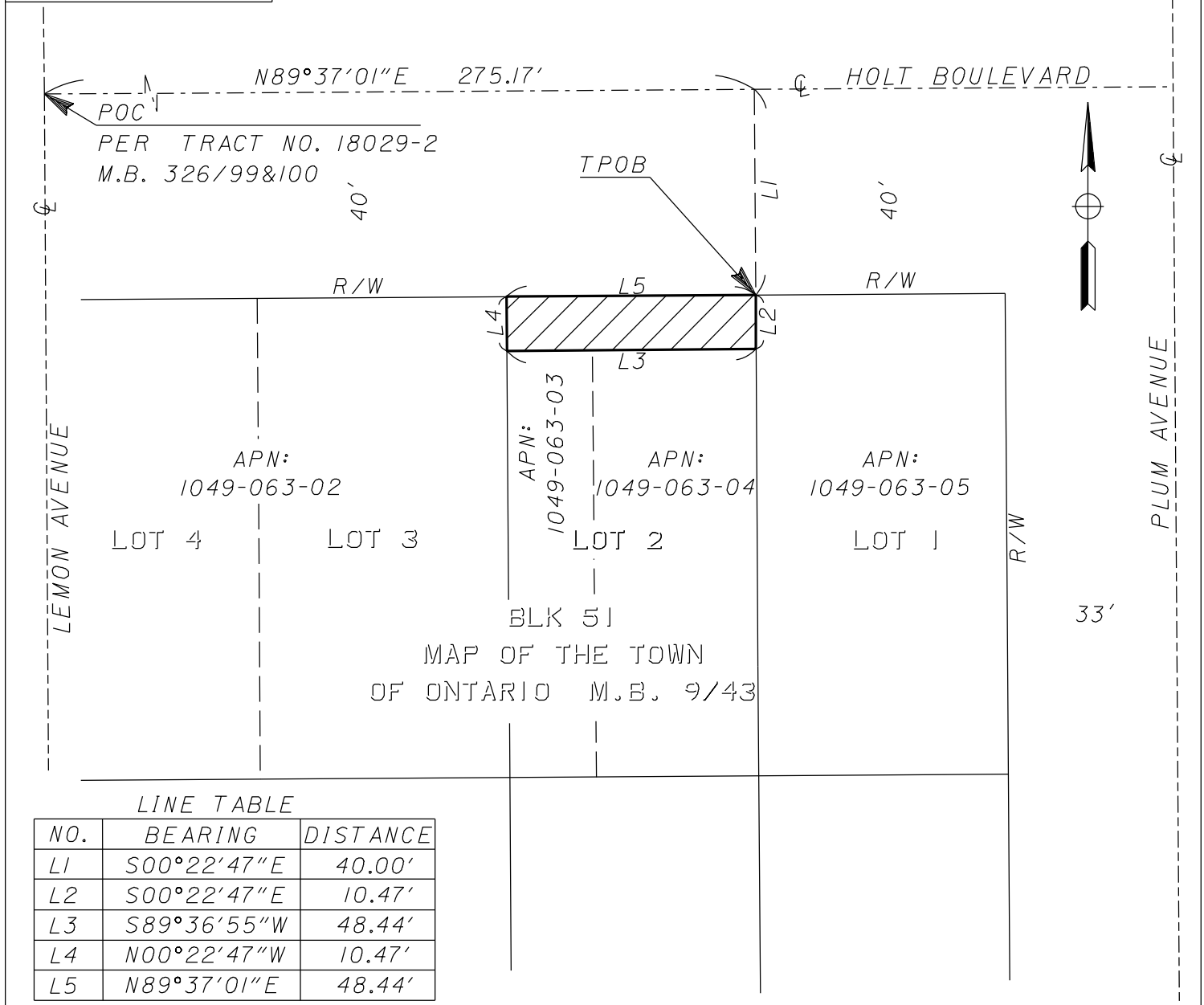
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/19/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-063-03	EASEMENT DEED OF RIGHT OF WAY DEDICATION	507 SF
1049-063-04		



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

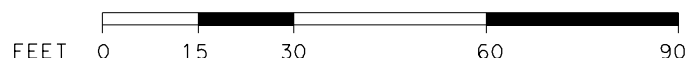
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/19/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-063-03 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85676)		1845587.844	6668069.198	0.000
	S 0°22'47" E	10.47			
POT (	85677)		1845577.378	6668069.267	0.000
	S 89°36'55" W	48.44			
POT (	85672)		1845577.053	6668020.833	0.000
	N 0°22'47" W	10.47			
POT (	85673)		1845587.520	6668020.764	0.000
	N 89°37'01" E	48.44			
POT (	85676)		1845587.844	6668069.198	0.000

Northing Error: -0.001 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°23'02" W
 Closing Distance: 0.001 ft
 Closed Area: 506.9 sq ft (0.0 ac)
 Perimeter: 117.803 ft
 Precision: 83615.886

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-063-03 & 1049-063-04

Lot 2 of Block 51, Map of the Town 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.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Lemon Avenue as shown on Tract Map No. 18029-2, as per map filed in Book 326, Pages 99 and 100 of Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}37'01''$ East 275.17 feet to the northerly prolongation of the easterly line of said Lot 2;

thence along said northerly prolongation South $00^{\circ}22'47''$ East 40.00 feet to the northeasterly corner of said Lot 2 and the **True Point of Beginning**;

thence along said easterly line South $00^{\circ}22'47''$ East 10.47 feet;

thence leaving said easterly line South $89^{\circ}36'55''$ West 48.44 feet to the westerly line of said Lot 2;

thence along said westerly line North $00^{\circ}22'47''$ West 10.47 feet to the northwesterly corner of said Lot 2;

thence along the northerly line of said Lot 2 North $89^{\circ}37'01''$ East 48.44 feet to the **True Point of Beginning**.

Parcel contains 4,021 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).

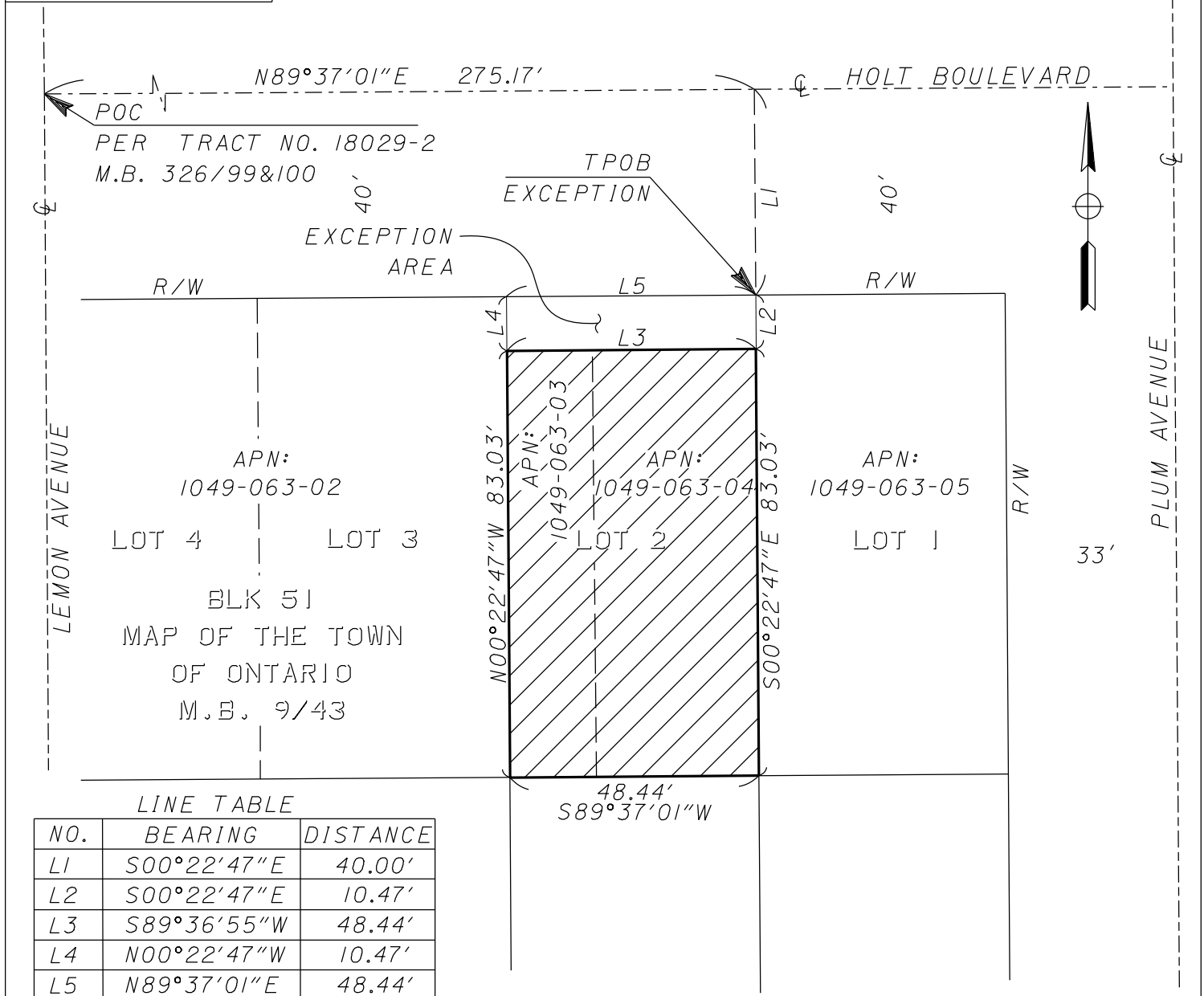
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-063-03	TEMPORARY CONSTRUCTION EASEMENT	4,021 SF
1049-063-04		



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

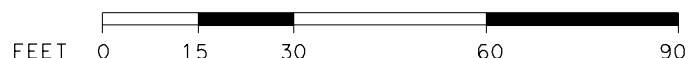
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/20/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-063-03 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85677)		1845577.378	6668069.267	0.000
	S 0°22'47" E	83.03			
POT (	85683)		1845494.353	6668069.817	0.000
	S 89°37'01" W	48.44			
POT (	85674)		1845494.029	6668021.383	0.000
	N 0°22'47" W	83.03			
POT (	85672)		1845577.053	6668020.833	0.000
	N 89°36'55" E	48.44			
POT (	85677)		1845577.378	6668069.267	0.000

Northing Error: 0.001 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°23'02" E
 Closing Distance: 0.001 ft
 Closed Area: 4021.4 sq ft (0.1 ac)
 Perimeter: 262.923 ft
 Precision: 186606.359

RESOLUTION OF NECESSITY No. 22-157

**JOAO RICARDO CARVALHO & LISA
CASTRO CARVALHO PROPERTY**

(APN 1049-063-05)

RESOLUTION NO. 22-157

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-063-05

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, portions of the real property located at 226 – 230 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-063-05 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 584 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 3,944 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 June 1, 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

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Section 4. Necessity.

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

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(c) The public interest and necessity require the acquisition by eminent domain 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:

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- (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.

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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 June 1, 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 June 1, 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: 1049-063-05

That portion of Lot 1 of Block 51, Map of the Town 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, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Lemon Avenue as shown on Tract Map No. 18029-2, as per map filed in Book 326, Pages 99 and 100 of Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°37'01" East 275.17 feet to the northerly prolongation of the westerly line of said Lot 1;

thence along said northerly prolongation South 00°22'47" East 40.00 feet to the northwesterly corner of said Lot 1 and the **True Point of Beginning**;

thence along said westerly line South 00°22'47" East 10.47 feet;

thence leaving said westerly line North 89°36'55" East 37.87 feet;

thence South 45°29'29" East 11.77 feet;

thence South 00°30'28" East 10.93 feet;

thence North 89°36'55" East 2.20 feet to the easterly line of said Lot 1;

thence along said easterly line North 00°22'55" West 29.70 feet to the northeasterly corner of said Lot 1;

thence along the northerly line of said Lot 1 South 89°37'01" West 48.43 feet to the **True Point of Beginning**.

Parcel contains 584 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.

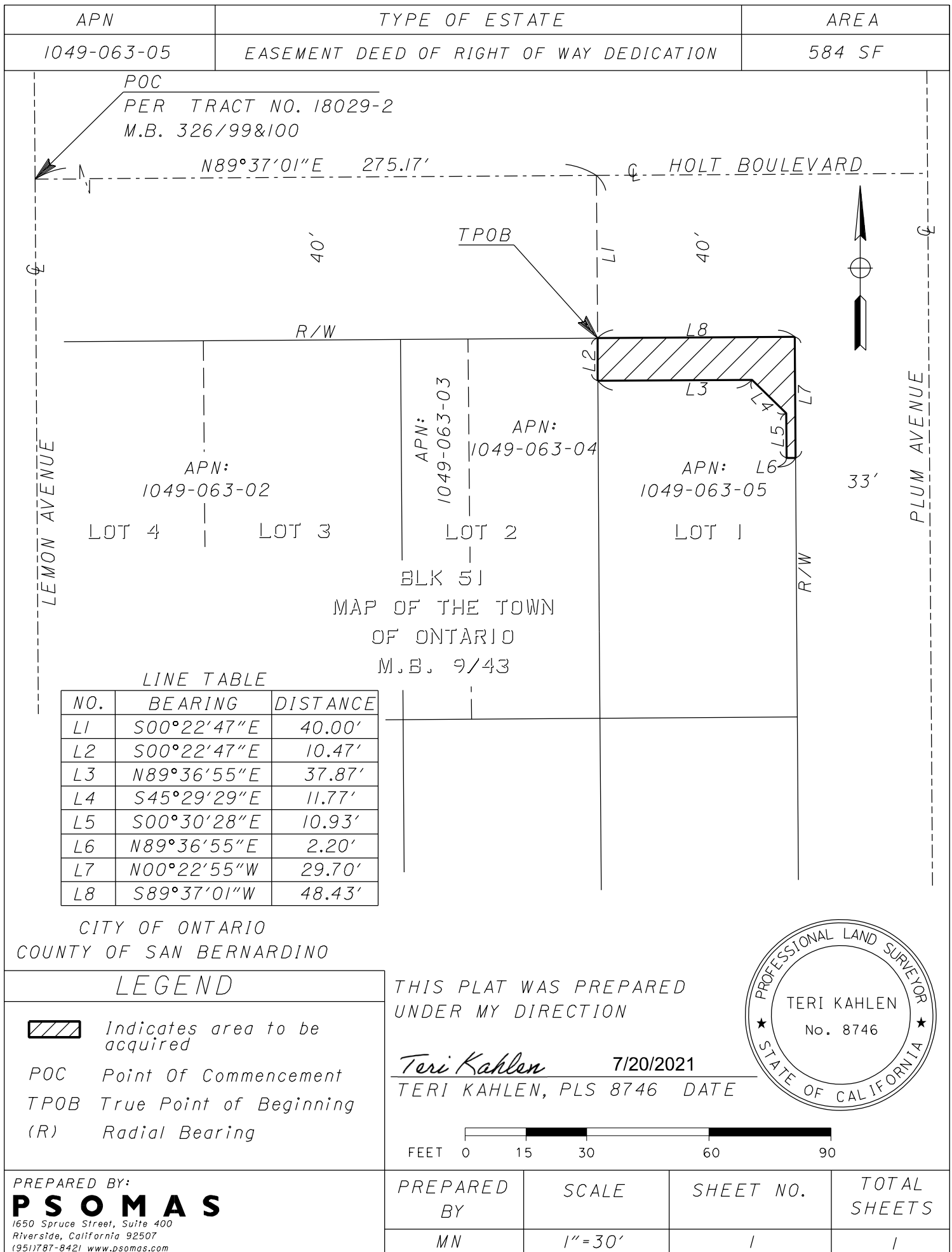
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-063-05 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85676)		1845587.844	6668069.198	0.000
	S 0°22'47" E	10.47			
POT (	85677)		1845577.378	6668069.267	0.000
	N 89°36'55" E	37.87			
POT (	85678)		1845577.633	6668107.140	0.000
	S 45°29'29" E	11.77			
POT (	85679)		1845569.379	6668115.537	0.000
	S 0°30'28" E	10.93			
POT (	85680)		1845558.453	6668115.634	0.000
	N 89°36'55" E	2.20			
POT (	85681)		1845558.468	6668117.829	0.000
	N 0°22'55" W	29.70			
POT (	85682)		1845588.167	6668117.631	0.000
	S 89°37'01" W	48.43			
POT (	85676)		1845587.844	6668069.198	0.000

Northing Error: -0.006 ft
 Easting Error: 0.002 ft
 Closing Direction: N 20°50'15" W
 Closing Distance: 0.006 ft
 Closed Area: 584.1 sq ft (0.0 ac)
 Perimeter: 151.370 ft
 Precision: 24863.430

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-063-05

Lot 1 of Block 51, Map of the Town 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.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Lemon Avenue as shown on Tract Map No. 18029-2, as per map filed in Book 326, Pages 99 and 100 of Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°37'01" East 275.17 feet to the northerly prolongation of the westerly line of said Lot 1;

thence along said northerly prolongation South 00°22'47" East 40.00 feet to the northwesterly corner of said Lot 1 and the **True Point of Beginning**;

thence along said westerly line South 00°22'47" East 10.47 feet;

thence leaving said westerly line North 89°36'55" East 37.87 feet;

thence South 45°29'29" East 11.77 feet;

thence South 00°30'28" East 10.93 feet;

thence North 89°36'55" East 2.20 feet to the easterly line of said Lot 1;

thence along said easterly line North 00°22'55" West 29.70 feet to the northeasterly corner of said Lot 1;

thence along the northerly line of said Lot 1 South 89°37'01" West 48.43 feet to the **True Point of Beginning**.

Parcel contains 3,944 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).

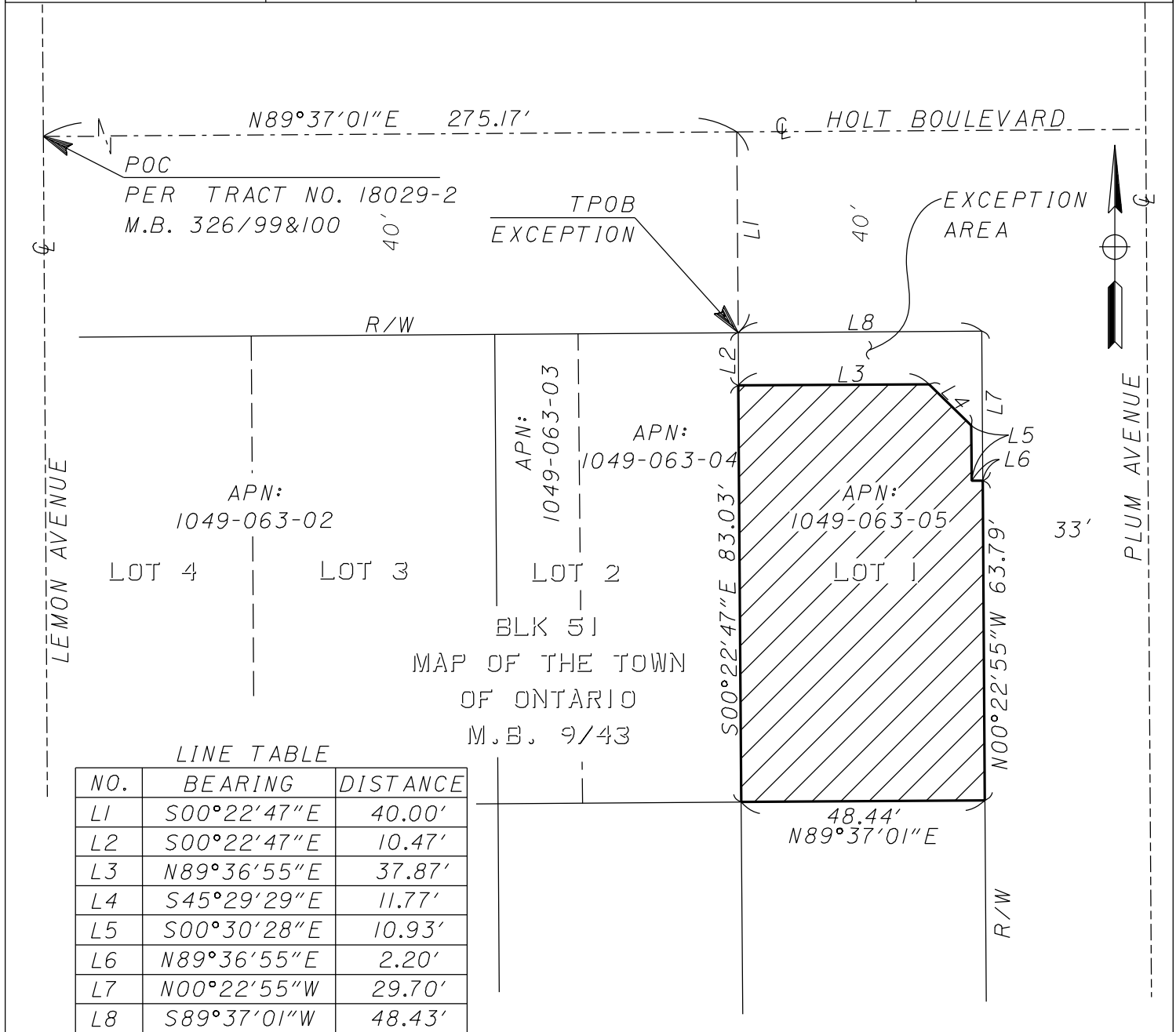
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-063-05	TEMPORARY CONSTRUCTION EASEMENT	3,944 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

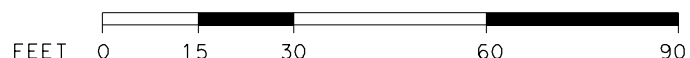
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/20/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-063-05 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85677)		1845577.378	6668069.267	0.000
	S 0°22'47" E	83.03			
POT (	85683)		1845494.353	6668069.817	0.000
	N 89°37'01" E	48.44			
POT (	85684)		1845494.676	6668118.254	0.000
	N 0°22'55" W	63.79			
POT (	85681)		1845558.468	6668117.829	0.000
	S 89°36'55" W	2.20			
POT (	85680)		1845558.453	6668115.634	0.000
	N 0°30'28" W	10.93			
POT (	85679)		1845569.379	6668115.537	0.000
	N 45°29'29" W	11.77			
POT (	85678)		1845577.633	6668107.140	0.000
	S 89°36'55" W	37.87			
POT (	85677)		1845577.378	6668069.267	0.000

Northing Error: -0.004 ft
 Easting Error: 0.004 ft
 Closing Direction: N 45°02'57" W
 Closing Distance: 0.006 ft
 Closed Area: 3944.4 sq ft (0.1 ac)
 Perimeter: 258.028 ft
 Precision: 42721.187

RESOLUTION OF NECESSITY No. 22-158

**B&G PLAZA, A CALIFORNIA GENERAL
PARTNERSHIP PROPERTY**

(APN 1049-065-11)

RESOLUTION NO. 22-158

**A RESOLUTION OF THE SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY FINDING AND DETERMINING
THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN
REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND
DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S
PARCEL NO. 1049-065-11**

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

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

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

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

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

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

WHEREAS, portions of the real property located at 326 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-065-11 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 826 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 2,832 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 June 1, 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 June 1, 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 June 1, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

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

EXHIBIT “1”

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

APN: 1049-065-11

That portion of Parcel 1, in the City of Ontario, County of San Bernardino, State of California, as shown on the City of Ontario Lot Line Adjustment No. LLA08-008 recorded October 9, 2008 as Document No. 2008-0453916 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Sultana Avenue and Holt Boulevard, formerly known as A Street, as shown on Tract No. 18029-1 as per the map filed in Book 327, Pages 18 and 19 of Tract Maps in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard South $89^{\circ}35'01''$ West 199.18 feet to the intersection with the northerly prolongation of the easterly line of said Parcel 1;

thence leaving said centerline and along said northerly prolongation South $00^{\circ}26'26''$ East 60.00 feet to the northeasterly corner of said Parcel and the **True Point of Beginning**;

thence along the easterly line of said Parcel 1 South $00^{\circ}26'26''$ East 7.90 feet;

thence leaving said easterly line North $88^{\circ}15'05''$ West 210.25 feet to the the northerly line of said Parcel 1;

thence along said northerly line North $89^{\circ}37'54''$ East 53.17 feet to an angle point therein;

thence continuing along said northerly line North $89^{\circ}35'01''$ East 156.92 feet to the **True Point of Beginning**.

Containing 826 square feet, more or less.

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

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

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

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/8/2021

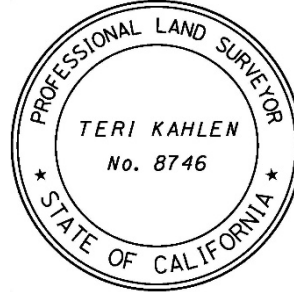
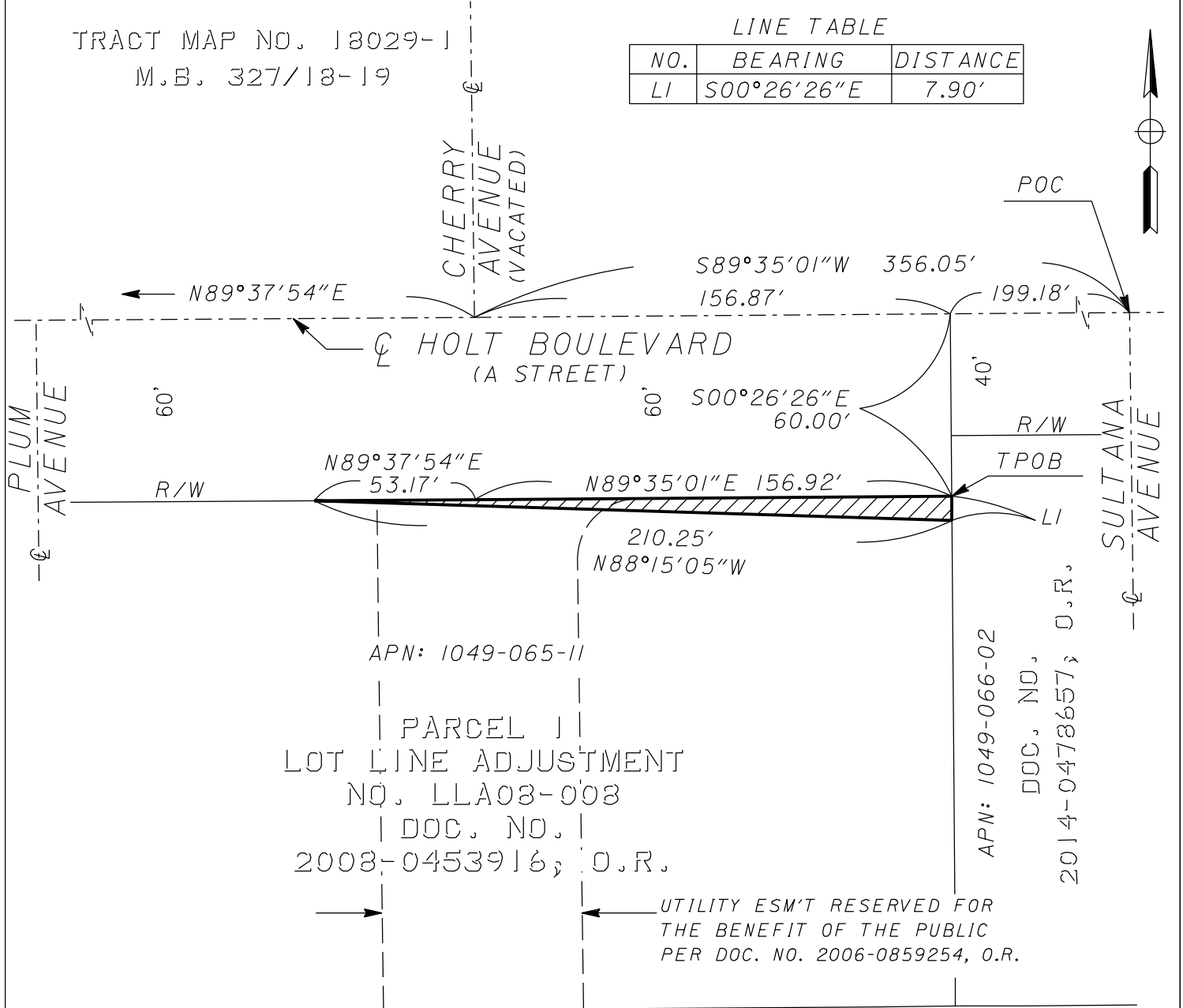


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-065-11	EASEMENT DEED FOR RIGHT OF WAY DEDICATION	826 SF



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

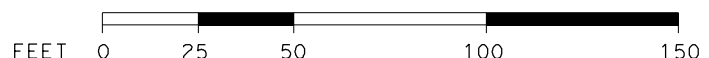
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

3/8/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

KC

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: SBCTA BRT Pcl Calcs (KC)
 Alignment: 1049-065-11 PE
 Description: ROADWAY PE

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (100001)			1845571.82	6668664.40	0.00
	S 0°26'26" E	7.90			
PI (100005)			1845563.92	6668664.46	0.00
	N 88°15'05" W	210.25			
PI (100006)			1845570.34	6668454.31	0.00
	N 89°37'54" E	53.17			
PI (100002)			1845570.68	6668507.48	0.00
	N 89°35'01" E	156.92			
POE (100001)			1845571.82	6668664.40	0.00

Northing Error: -0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: N 73°32'48" E
 Closing Distance: 0.01 ft
 Closed Area: 826 sq ft (0 ac)
 Perimeter: 428.24 ft
 Precision: 62304.33

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-065-11

That portion of Parcel 1, in the City of Ontario, County of San Bernardino, State of California, as shown on the City of Ontario Lot Line Adjustment No. LLA08-008 recorded October 9, 2008 as Document No. 2008-0453916 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Sultana Avenue and Holt Boulevard, formerly known as A Street, as shown on Tract No. 18029-1 as per the map filed in Book 327, Pages 18 and 19 of Tract Maps in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard South $89^{\circ}35'01''$ West 199.18 feet to the intersection with the northerly prolongation of the easterly line of said Parcel 1;

thence leaving said centerline and along said northerly prolongation South $00^{\circ}26'26''$ East 60.00 feet to the northeasterly corner of said Parcel 1;

thence along the easterly line of said Parcel 1 South $00^{\circ}26'26''$ East 7.90 feet to the **True Point of Beginning**;

thence leaving said easterly line North $88^{\circ}15'05''$ West 210.25 feet the northerly line of said Parcel 1;

thence along said northerly line South $89^{\circ}37'54''$ West 73.19 feet;

thence leaving said northerly line South $01^{\circ}44'55''$ West 8.30 feet;

thence South $88^{\circ}15'05''$ East 23.00 feet;

thence North $01^{\circ}44'55''$ East 3.00 feet;

thence South $88^{\circ}15'05''$ East 124.62 feet;

thence South $00^{\circ}06'38''$ East 5.75 feet;

thence North $89^{\circ}53'54''$ East 1.31 feet;

thence South $02^{\circ}26'40''$ East 3.41 feet;

thence North 89°53'22" East 13.54 feet;

thence North 00°06'38" West 8.67 feet;

thence South 88°15'05" East 34.13 feet;

thence South 01°44'55" West 6.50 feet;

thence South 88°15'05" East 46.50 feet;

thence North 01°44'55" East 2.50 feet;

thence South 88°15'05" East 40.60 feet to the easterly line of said Parcel 1;

thence along said easterly line North 00°26'26" West 12.01 feet to the **True Point of Beginning**.

Containing 2,832 square feet, more or less.

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

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

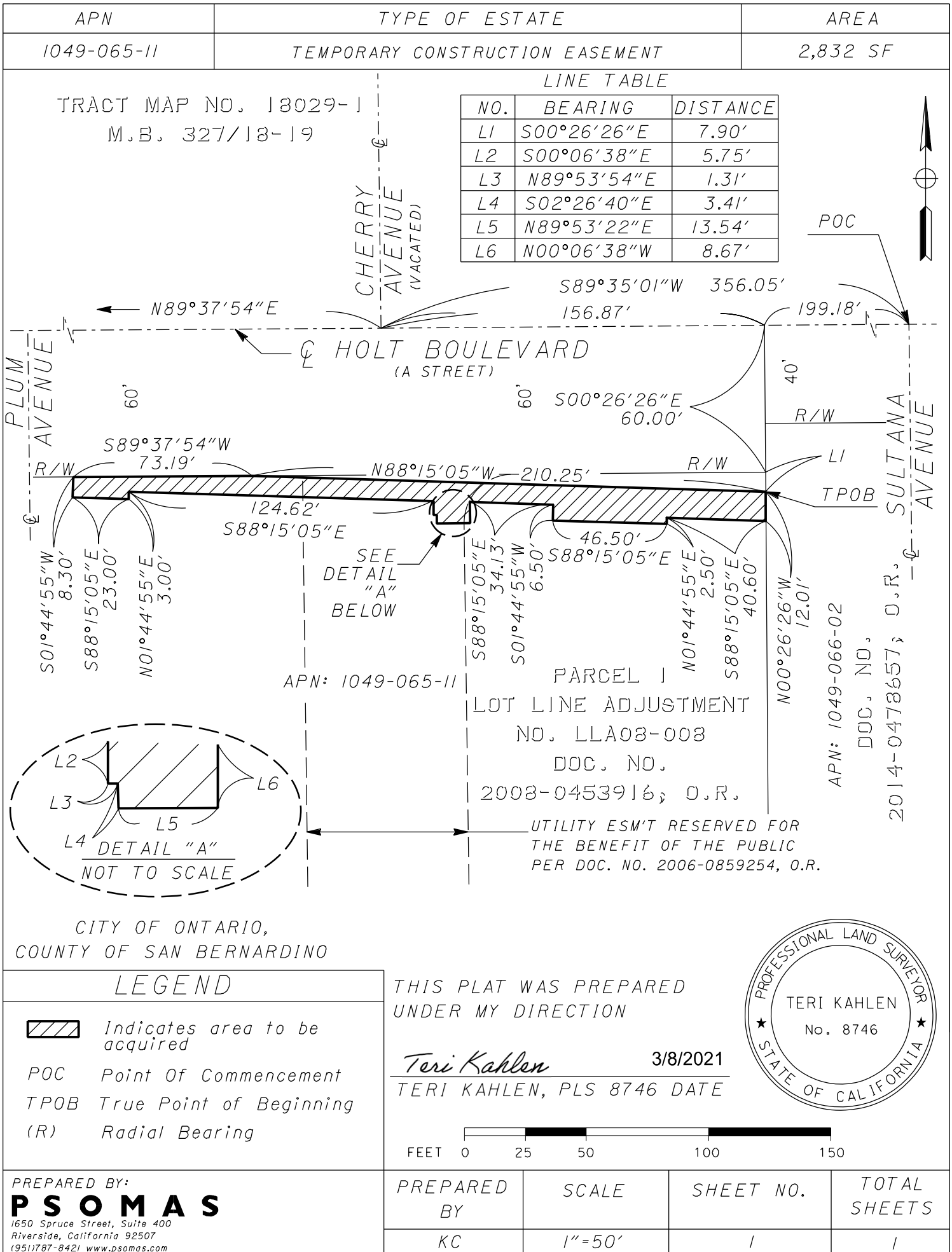
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/8/2021



EXHIBIT B



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

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

Map Check Report

Project: SBCTA BRT Pcl Calcs (KC)

Alignment: 1049-065-11 TCE

Description: TCE

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
-----	-----	-----	-----	-----	-----
POB (	100005)		1845563.92	6668664.46	0.00
	N 88°15'05" W	210.25			
PI (	100006)		1845570.34	6668454.31	0.00
	S 89°37'54" W	73.19			
PI (	100021)		1845569.87	6668381.12	0.00
	S 1°44'55" W	8.30			
PI (	100020)		1845561.58	6668380.87	0.00
	S 88°15'05" E	23.00			
PI (	100019)		1845560.87	6668403.86	0.00
	N 1°44'55" E	3.00			
PI (	100018)		1845563.87	6668403.95	0.00
	S 88°15'05" E	124.62			
PI (	100017)		1845560.07	6668528.51	0.00
	S 0°06'38" E	5.75			
PI (	100016)		1845554.32	6668528.52	0.00
	N 89°53'54" E	1.31			
PI (	100015)		1845554.32	6668529.83	0.00
	S 2°26'40" E	3.41			
PI (	100014)		1845550.91	6668529.98	0.00
	N 89°53'22" E	13.54			
PI (	100013)		1845550.94	6668543.52	0.00
	N 0°06'38" W	8.67			
PI (	100012)		1845559.61	6668543.50	0.00
	S 88°15'05" E	34.13			
PI (	100011)		1845558.57	6668577.61	0.00
	S 1°44'55" W	6.50			
PI (	100010)		1845552.07	6668577.41	0.00

S 88°15'05" E	46.50			
PI (100009)		1845550.66	6668623.89	0.00
N 1°44'55" E	2.50			
PI (100008)		1845553.15	6668623.97	0.00
S 88°15'05" E	40.60			
PI (100007)		1845551.92	6668664.55	0.00
N 0°26'26" W	12.01			
POE (100005)		1845563.92	6668664.46	0.00

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 34°16'31" E
 Closing Distance: 0.00 ft
 Closed Area: 2832 sq ft (0 ac)
 Perimeter: 617.28 ft
 Precision: 163420.96

RESOLUTION OF NECESSITY No. 22-159

**JUDY ALMARAZ, TRUSTEE OF THE JUDY
ALMARAZ FAMILY TRUST, DATED**

JUNE 3, 2008 PROPERTY

(APN 1049-091-04)

RESOLUTION NO. 22-159

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-091-04

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

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

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

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

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

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

WHEREAS, portions of the real property located at 526 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-091-04 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,800 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 4,066 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 June 1, 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 June 1, 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 June 1, 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: 1049-094-04

That portion of Lot 1 of Block 2 of the Map of the Eastside Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on map recorded in Book 14, Page 43 of Maps, in the office of the County Recorder of said County, said portion of Lot 1 more particularly described in the Quitclaim Deed recorded August 2, 2017 as Document No. 2017-0314848 of Official Records, in the office of said County Recorder, described as follows:

Beginning at the northwest corner of said Lot 1;

Thence along the westerly line of said Lot 1 South 00°25'46" East 31.43 feet;

Thence leaving said westerly line North 89°36'55" East 37.25 feet;

Thence South 45°16'25" East 22.72 feet to the easterly line of said Lot 1;

Thence along said easterly line North 00°26'25" West 47.40 feet to the northeasterly corner of said Lot 1;

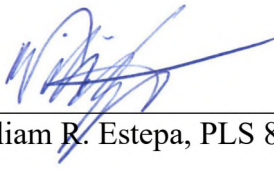
Thence along the northerly line of said Lot 1 South 89°45'25" West 53.27 feet to the **Point of Beginning**.

Containing 1,800 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: 07/28/2021

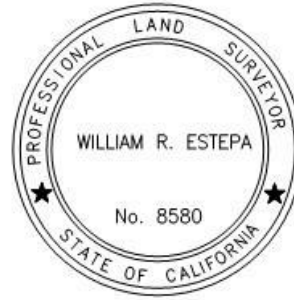
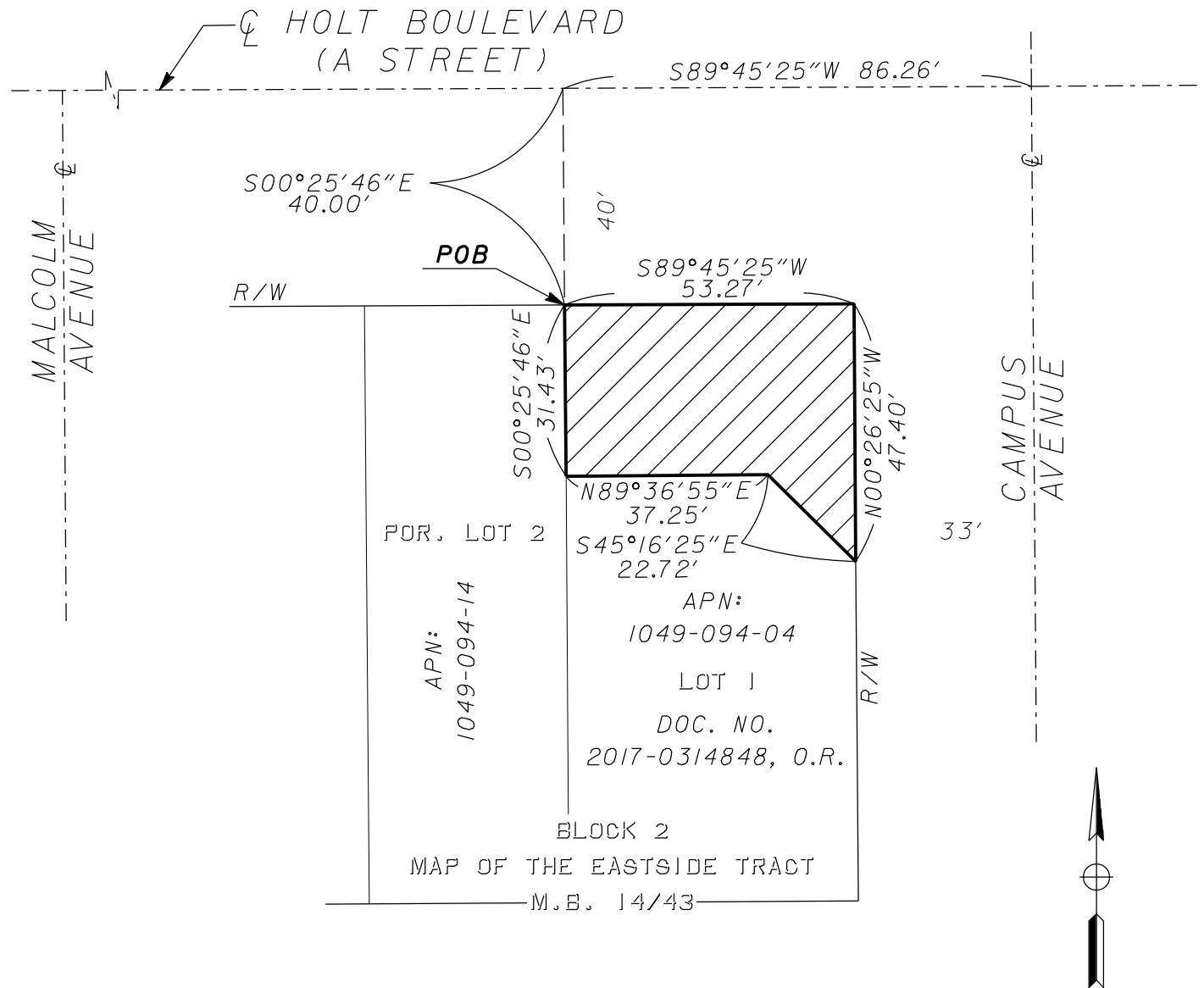


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-094-04	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,800 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POB Point of Beginning

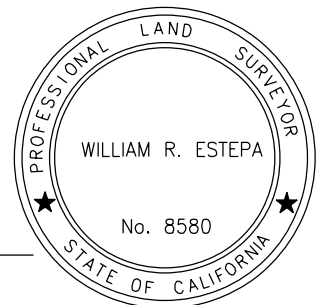
R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

07/28/2021

WILLIAM R. ESTEPA, PLS 8580 DATE



FEET 0 15 30 60 90

PREPARED BY:

PSOMAS

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

PREPARED
BY

TKR

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Project Name: Default
Description:
Horizontal Alignment Name: 1049-094-04
Description: ROW
Style: Default

	STATION	NORTHING	EASTING
Element: Linear			
POB (70202)	0+00.00	1845601.65	6670203.25
PI (70203)	0+31.43	1845570.21	6670203.48
Tangent Direction:	S 0^25'46" E		
Tangent Length:	31.43		
Element: Linear			
PI (70203)	0+31.43	1845570.21	6670203.48
PI (70204)	0+68.68	1845570.46	6670240.73
Tangent Direction:	N 89^36'55" E		
Tangent Length:	37.25		
Element: Linear			
PI (70204)	0+68.68	1845570.46	6670240.73
PI (70205)	0+91.41	1845554.47	6670256.87
Tangent Direction:	S 45^16'25" E		
Tangent Length:	22.72		
Element: Linear			
PI (70205)	0+91.41	1845554.47	6670256.87
PI (70206)	1+38.81	1845601.87	6670256.51
Tangent Direction:	N 0^26'25" W		
Tangent Length:	47.40		
Element: Linear			
PI (70206)	1+38.81	1845601.87	6670256.51
POE (70202)	1+92.08	1845601.65	6670203.25
Tangent Direction:	S 89^45'25" W		
Tangent Length:	53.27		
Area:	1799.9 sq.feet	0.0 acres	

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-094-04

That portion of Lot 1 of Block 2 of the Map of the Eastside Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on map recorded in Book 14, Page 43 of Maps, in the office of the County Recorder of said County, said portion of Lot 1 more particularly described in the Quitclaim Deed recorded August 2, 2017 as Document No. 2017-0314848 of Official Records, in the office of said County Recorder, described as follows:

Commencing at the northwest corner of said Lot 1;

Thence along the westerly line of said Lot 1 South 00°25'46" East 31.43 feet to the **True Point of Beginning**;

Thence leaving said westerly line North 89°36'55" East 37.25 feet;

Thence South 45°16'25" East 22.72 feet to the easterly line of said Lot 1;

Thence along said easterly line South 00°26'25" East 62.65 feet to the southeasterly corner of said Lot 1;

Thence along the southerly line of said Lot 1 South 89°38'55" West 53.29 feet to the southwesterly corner of said Lot 1;

Thence along said westerly line North 00°25'46" West 78.72 feet to the **True Point of Beginning**;

Containing 4,066 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: 07/28/2021

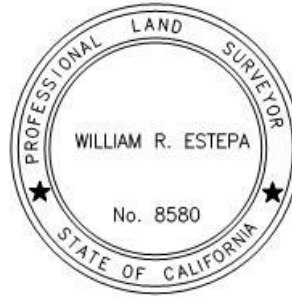
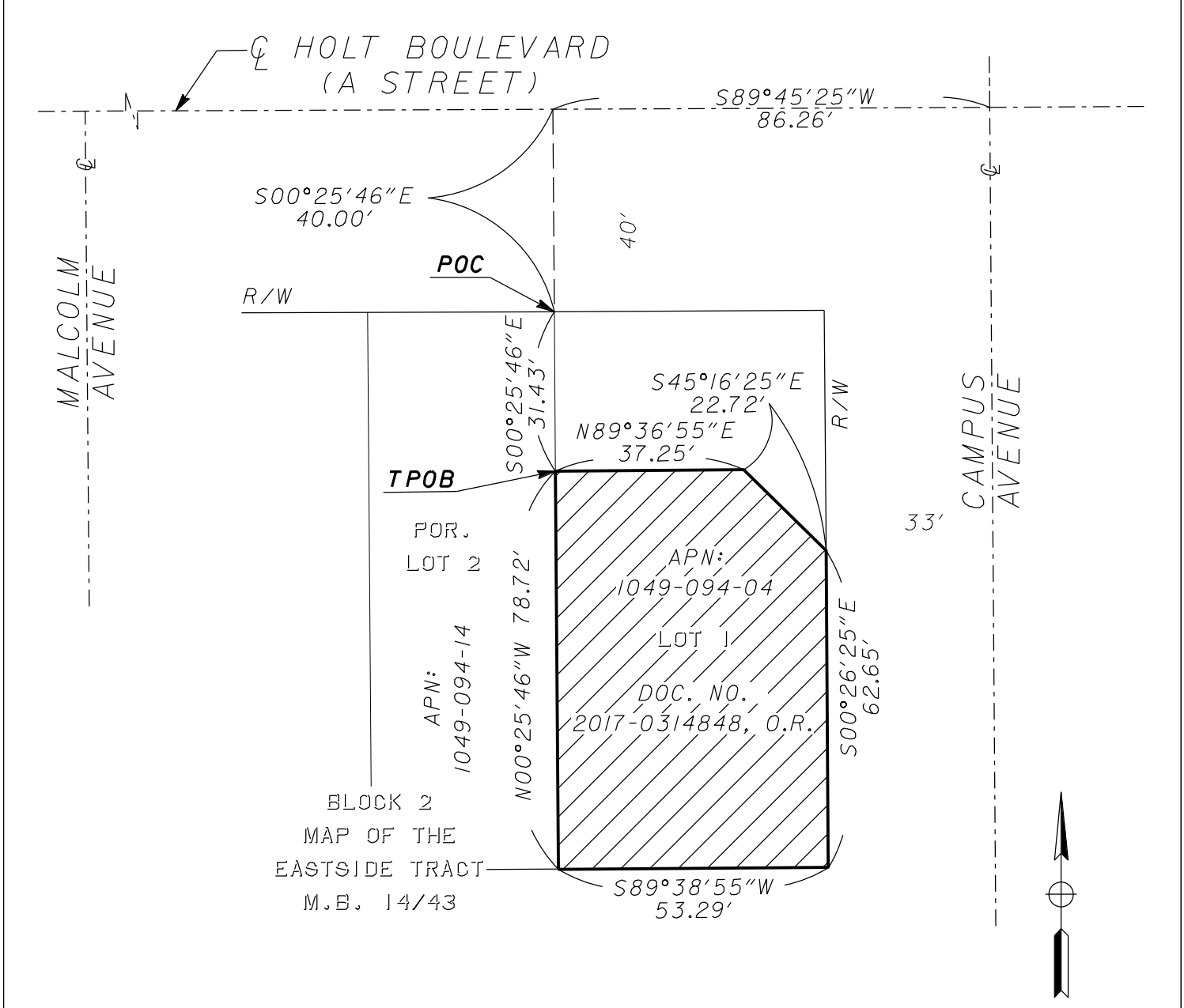


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-094-04	TEMPORARY CONSTRUCTION EASEMENT	4,066 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

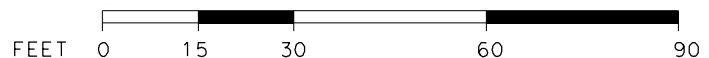
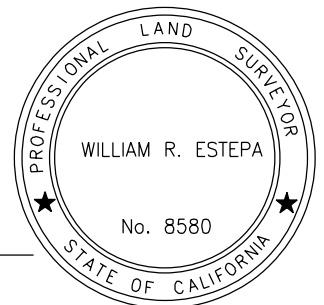
R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

07/28/2021

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

TKR

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Project Name: Default
Description:
Horizontal Alignment Name: 1049-094-04 TCE
Description: TCE
Style: Default

	STATION	NORTHING	EASTING
Element: Linear			
POB (70203)	0+00.00	1845570.21	6670203.48
PI (70204)	0+37.25	1845570.46	6670240.73
Tangent Direction:	N 89^36'55" E		
Tangent Length:	37.25		
Element: Linear			
PI (70204)	0+37.25	1845570.46	6670240.73
PI (70205)	0+59.97	1845554.47	6670256.87
Tangent Direction:	S 45^16'25" E		
Tangent Length:	22.72		
Element: Linear			
PI (70205)	0+59.97	1845554.47	6670256.87
PI (70208)	1+22.63	1845491.82	6670257.36
Tangent Direction:	S 0^26'25" E		
Tangent Length:	62.65		
Element: Linear			
PI (70208)	1+22.63	1845491.82	6670257.36
PI (70207)	1+75.91	1845491.49	6670204.07
Tangent Direction:	S 89^38'55" W		
Tangent Length:	53.29		
Element: Linear			
PI (70207)	1+75.91	1845491.49	6670204.07
POE (70203)	2+54.64	1845570.21	6670203.48
Tangent Direction:	N 0^25'46" W		
Tangent Length:	78.72		
Area:	4066.0 sq.feet	0.1 acres	

RESOLUTION OF NECESSITY No. 22-160

JOHN ROUBIAN PROPERTY

(APNS 1049-093-03 & 1049-093-04)

RESOLUTION NO. 22-160

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 1049-093-03 & 1049-093-04

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

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

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

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

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

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

WHEREAS, portions of the real property located at 630 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Numbers 1049-093-03 and 1049-093-04 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,171 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 3,965 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 June 1, 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 June 1, 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 June 1, 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: 1049-093-03 & 1049-093-04

That portion of Lot 4 of Block 3, East Side Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 14, Page 43 of Maps in the office of the County Recorder of said County, described as follows:

Beginning at the northwesterly corner of said Lot 4;

thence along the northerly line of said Lot 4 North 89°35'38" East 46.63 feet to the northeasterly corner of said Lot 4;

thence along the easterly line of said Lot 4 South 00°23'51" East 26.00 feet;

thence leaving said easterly line North 88°15'05" West 46.66 feet to the westerly line of said Lot 4;

thence along said westerly line North 00°23'51" West 24.24 feet to the **Point of Beginning**.

Parcel contains 1,171 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).

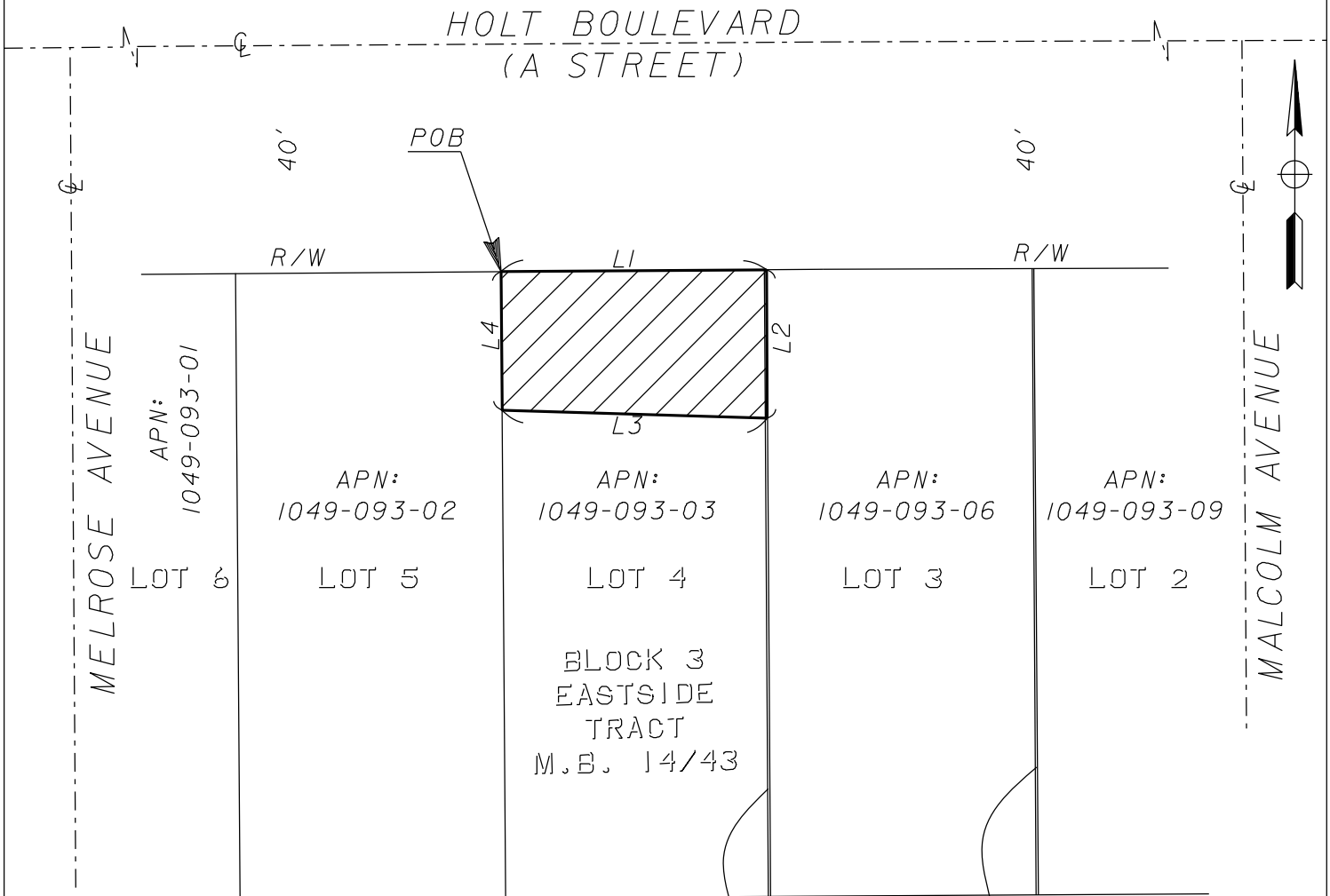
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-093-03	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,171 SF
1049-093-04		



LINE TABLE

NO.	BEARING	DISTANCE
L1	N89°35'38"E	46.63'
L2	S00°23'51"E	26.00'
L3	N88°15'05"W	46.66'
L4	N00°23'51"W	24.24'

APN: 1049-093-04

APN: 1049-093-07

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

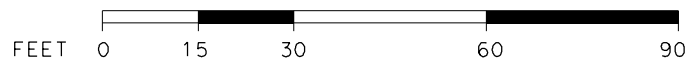


Indicates area to be acquired

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

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 7/20/2021
TERI KAHLEN, PLS 8746 DATE



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

PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
MN	1"=30'	1	1

Map Check Report

Project: WVC - OC
 Alignment: 1049-093-03&04 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85693)		1845600.030	6669860.203	0.000
	N 89°35'38" E	46.63			
POT (	85694)		1845600.360	6669906.831	0.000
	S 0°23'51" E	26.00			
POT (	85699)		1845574.363	6669907.012	0.000
	N 88°15'05" W	46.66			
POT (	85700)		1845575.787	6669860.371	0.000
	N 0°23'51" W	24.24			
POT (	85693)		1845600.030	6669860.203	0.000

Northing Error: -0.006 ft
 Easting Error: 0.003 ft
 Closing Direction: N 26°05'11" W
 Closing Distance: 0.006 ft
 Closed Area: 1171.4 sq ft (0.0 ac)
 Perimeter: 143.534 ft
 Precision: 22809.256

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-093-03 & 1049-093-04

Lot 4 of Block 3, East Side Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 14, Page 43 of Maps in the office of the County Recorder of said County.

EXCEPT THEREFROM that portion described as follows:

Beginning at the northwesterly corner of said Lot 4;

thence along the northerly line of said Lot 4 North 89°35'38" East 46.63 feet to the northeasterly corner of said Lot 4;

thence along the easterly line of said Lot 4 South 00°23'51" East 26.00 feet;

thence leaving said easterly line North 88°15'05" West 46.66 feet to the westerly line of said Lot 4;

thence along said westerly line North 00°23'51" West 24.24 feet to the **Point of Beginning**.

Parcel contains 3,965 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).

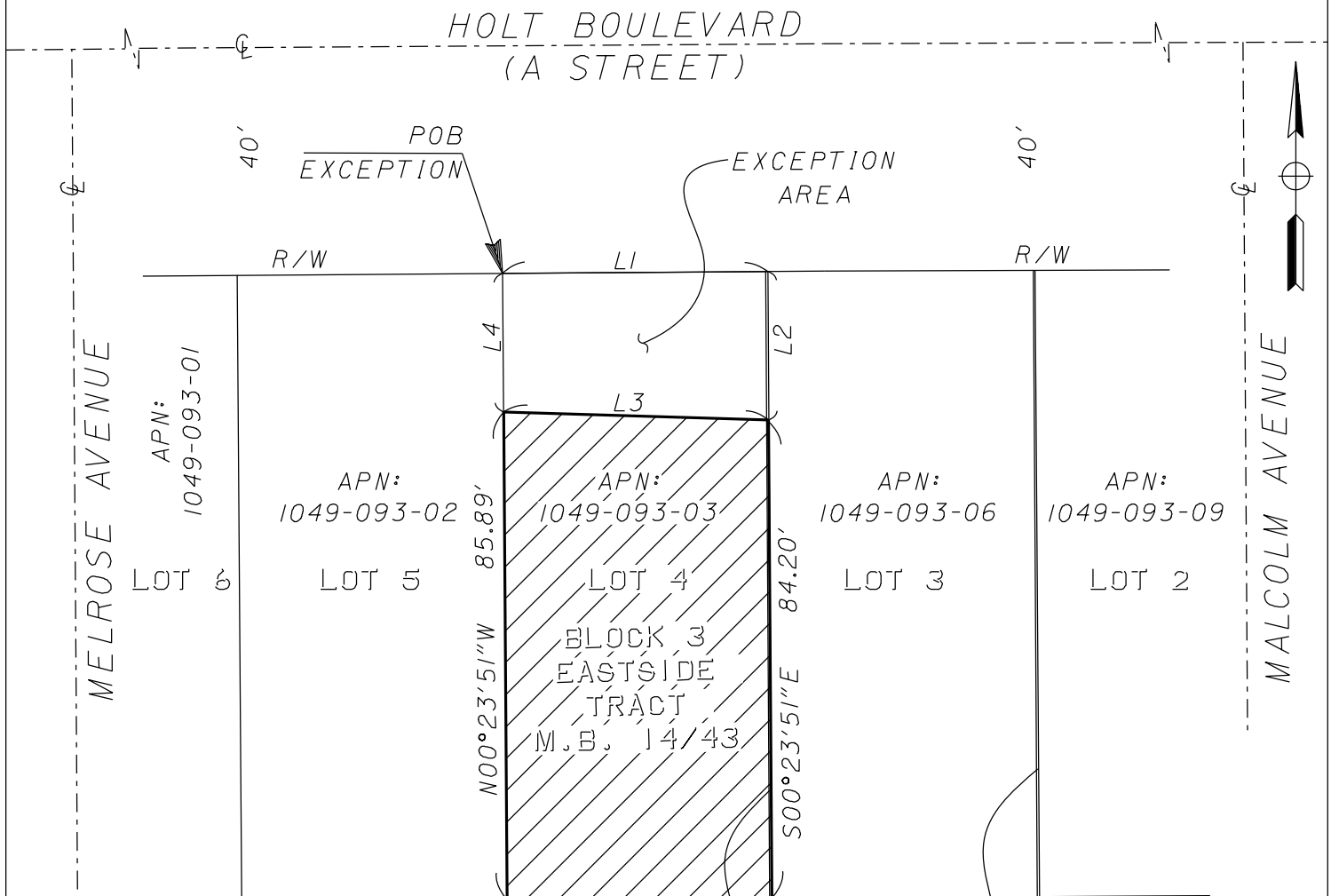
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-093-03	TEMPORARY CONSTRUCTION EASEMENT	3,965 SF
1049-093-04		



LINE TABLE

NO.	BEARING	DISTANCE
L1	N89°35'38"E	46.63'
L2	S00°23'51"E	26.00'
L3	N88°15'05"W	46.66'
L4	N00°23'51"W	24.24'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

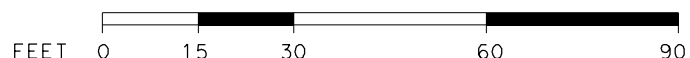
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/20/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-093-03&04 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85699)		1845574.363	6669907.012	0.000
	S 0°23'51" E	84.20			
POT (	85703)		1845490.168	6669907.596	0.000
	S 89°40'34" W	46.63			
POT (	85704)		1845489.904	6669860.967	0.000
	N 0°23'51" W	85.88			
POT (	85700)		1845575.787	6669860.371	0.000
	S 88°15'05" E	46.66			
POT (	85699)		1845574.363	6669907.012	0.000

Northing Error: -0.007 ft
 Easting Error: -0.003 ft
 Closing Direction: N 19°32'44" E
 Closing Distance: 0.008 ft
 Closed Area: 3965.4 sq ft (0.1 ac)
 Perimeter: 263.374 ft
 Precision: 33397.400