

Support Material Agenda Item No. 26

Board of Directors Meeting

September 7, 2022

9:30 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

26. **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:

- **Larry James Sarinana & Leticia Sarinana, Husband and wife, as joint tenants property (Assessor's Parcel Number [APN] 1010-522-17);**
- **Birch Forestone, LLC, A California Limited Liability Company Property APN 8336- 022-15);**
- **Gregory L. Johnson & Thea M. Johnson, Co-Trustees of the Johnson Family Trust established June 9, 2011 property (APN 1011-111-21);**
- **Rancho Mall, LLC A Delaware Limited Liability Company Property (APNs 090-531-03 & 1090-551-04);**
- **Elia M. Tawil, Trustee of the Elia M. Tawil Revocable Trust dated December 20, 2006 property (APN 1048-524-17);**
- **Deborah Y. Cagle property (APNs 1049-094-04 & 1049-094-14);**
- **Muhammad A. Malik (APN 1049-093-01);**
- **Holt LPIV 3 LLC, A Delaware Limited Liability Company property (APNs 110-111-13-& 0110-111-14);**
- **Holt LPIV 8 LLC, A Delaware Limited Liability Company property (APNs -1049-131-13 & 1049-131-14);**

- **415 Vineyard LLC, A California Limited Liability Company Property (APNs 0110-072-08 & 0110-072-09);**
- **Arustemi Family Revocable Living Trust Property (APN 1049-101-10);**
- **1044 E. Holt, LLC, A California Limited Liability Company Property; (APN 049-131-15);**
- **TIP Ontario, LLC A California Limited Liability Company Property (APN 1049-131-16);**
- **USPF Holt LP, A Delaware Limited Partnership Property (APN 0110-12110);**
- **Marcel Enrique Rauda, a married man, as his sole and separate property (APN 1049-101-08).**

RESOLUTION OF NECESSITY No. 22-118

**LARRY JAMES SARINANA & LETICIA
SARINANA, HUSBAND AND WIFE, AS
JOINT TENANTS PROPERTY**

(APN 1010-522-17)

RESOLUTION NO. 22-118

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1010-522-17

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

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

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

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

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

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

WHEREAS, a portion of the real property located at 1156, 1160 and 1170 W. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1010-522-17 (the “Property”) is required for the Project. The specific portion of the Property required for the Project is an approximate 1,972 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “1” hereto (the “Subject Property Interest”). The Subject Property Interest includes any site improvements impacted by the Project; and

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

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

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

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

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

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

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

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

- (a) The public interest and necessity require the Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Subject Property Interest SBCTA seeks to acquire is necessary for the Project; and

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

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

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

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

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

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

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

On September 7, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interest for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interest for the Project.

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

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

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

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

Adopted by the San Bernardino County Transportation Authority on September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, Board President
San Bernardino County Transportation Authority

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

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1010-522-17

That portion of Lot 1002, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, filed in Book 11, Page 6 of Maps in the office of the County Recorder of said County, as described in the Grant Deed recorded July 2, 2015 as Document No. 2015-0281438 of Official Records in the office of said County Recorder, described as follows:

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

thence along the centerline of said Holt Boulevard South 89°36'21" West 736.82 feet to the southerly prolongation of the westerly line of the land described in said Grant Deed;

thence along said southerly prolongation North 00°23'03" West 60.00 feet to the **True Point of Beginning**;

thence along the westerly line of said land North 00°23'03" West 12.34 feet;

thence leaving said westerly line South 89°57'13" East 5.19 feet;

thence North 00°02'51" East 2.17 feet;

thence South 89°57'11" East 55.26 feet;

thence North 04°55'20" West 1.56 feet;

thence North 89°36'04" East 57.55 feet;

thence South 00°23'54" East 12.00 feet;

thence North 89°36'06" East 61.95 feet to the easterly line of said land;

thence along said easterly line South 00°23'03" East 3.61 feet to the southerly line of said land;

thence along said southerly line South 89°36'21" West 179.85 feet to the **True Point of Beginning**.

Parcel contains 1,972 square feet, more or less.

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

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

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

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/31/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1010-522-17	TEMPORARY CONSTRUCTION EASEMENT	1,972 SF

PORTION OF
LOT 1002
MAP OF ONTARIO
M.B. 11/6

DOC. NO.
2015-0281438, O.R.

APN: 1010-522-17

HOLT BOULEVARD

MOUNTAIN AVENUE

OAKS AVENUE

APN: 1010-543-01

APN: 1010-522-13

R/W

TPOB

POC

PER PM NO. 1914,
P.M.B. 20/100

S89°36'21\"W 736.82'

N89°36'04\"E 57.55'

S89°36'21\"W 179.85'

L1 L2 L3 L4 L5 L6 L7 L8 L9

50' 60' 40'

LINE TABLE

NO.	BEARING	DISTANCE
L1	N00°23'03\"W	60.00'
L2	N00°23'03\"W	12.34'
L3	S89°57'13\"E	5.19'
L4	N00°02'51\"E	2.17'
L5	S89°57'11\"E	55.26'

NO.	BEARING	DISTANCE
L6	N04°55'20\"W	1.56'
L7	S00°23'54\"E	12.00'
L8	N89°36'06\"E	61.95'
L9	S00°23'03\"E	3.61'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

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

THIS PLAT WAS PREPARED UNDER MY DIRECTION

Teri Kahlen 8/31/2021

TERI KAHLLEN, PLS 8746 DATE

FEET 0 25 50 100 150

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

Map Check Report

Project: WVC - OC
 Alignment: 1010-522-17 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65874)		1845637.80	6660866.14	0.00
	N 0°23'03" W	12.34			
PI (	65726)		1845650.14	6660866.06	0.00
	S 89°57'13" E	5.19			
PI (	65727)		1845650.14	6660871.25	0.00
	N 0°02'51" E	2.17			
PI (	65728)		1845652.30	6660871.25	0.00
	S 89°57'11" E	55.26			
PI (	65729)		1845652.26	6660926.51	0.00
	N 4°55'20" W	1.56			
PI (	65730)		1845653.81	6660926.38	0.00
	N 89°36'04" E	57.55			
PI (	65731)		1845654.21	6660983.93	0.00
	S 0°23'54" E	12.00			
PI (	65732)		1845642.21	6660984.02	0.00
	N 89°36'06" E	61.95			
PI (	65733)		1845642.64	6661045.97	0.00
	S 0°23'03" E	3.61			
PI (	65873)		1845639.04	6661045.99	0.00
	S 89°36'21" W	179.85			
POE (	65874)		1845637.80	6660866.14	0.00

Northing Error: -0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: N 79°37'23" E
 Closing Distance: 0.01 ft
 Closed Area: 1971.57 sq ft (0.05 ac)
 Perimeter: 391.48 ft
 Precision: 66184.13

RESOLUTION OF NECESSITY No. 22-077

**BIRCH FORESTONE, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY PROPERTY
(APN 8336-022-15)**

RESOLUTION NO. 22-077

**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. 8336-022-15**

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

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

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

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

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

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

WHEREAS, a portion of the real property located at 499 N. Garey Avenue in the City of Pomona, and identified as Los Angeles County Tax Assessor’s Parcel Number 8336-022-15 (the “Property”) is required for the Project. The specific portion of the Property required for the Project is an approximate 342 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “1” hereto (the “Subject Property Interest”). The Subject Property Interests include any site improvements impacted by the Project; and

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

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

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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 September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Pomona notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

- (a) The public interest and necessity require the Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Subject Property Interest SBCTA seeks to acquire is necessary for the Project; and

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

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

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

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

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

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

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

On September 7, 2022, SBCTA Staff reviewed the environmental documentation prepared for the Project in connection with SBCTA Staff's review of the proposed acquisition of the Subject Property Interest for the Project. City Staff reviewed the EIR and the FONSI, and related documents. SBCTA Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and SBCTA has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interest for the Project.

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

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

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

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

Adopted by the San Bernardino County Transportation Authority on September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, Board President
San Bernardino County Transportation Authority

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

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 8336-022-15

Those portions of Lots 8 and 9 in Block "A" of the Lambie Subdivision of Block 155, in the City of Pomona, County of Los Angeles, State of California, recorded in Book 5, Page 174 of Miscellaneous Records, in the office of the County Recorder of said County, described in the Grant Deed recorded May 9, 2018 as Document No. 2018-0456251 of Official Records in the office of said County Recorder, described as follows:

Commencing at the northeasterly corner of said Lot 8; thence along the easterly line of said Lot 8 South 01°53'00" East 30.17 feet to the **True Point of Beginning**;

thence continuing along said easterly line and along the easterly line of said Lot 9 South 01°53'00" East 69.97 feet;

thence leaving said easterly line of Lot 9 South 88°17'23" West 4.92 feet;

thence North 01°42'37" West 28.74 feet;

thence North 02°10'18" West 20.26 feet;

thence North 01°51'12" West 20.96 feet;

thence North 88°07'38" East 4.92 feet to the **True Point of Beginning**.

Containing 342 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: 3/24/2021

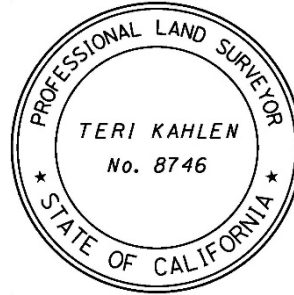
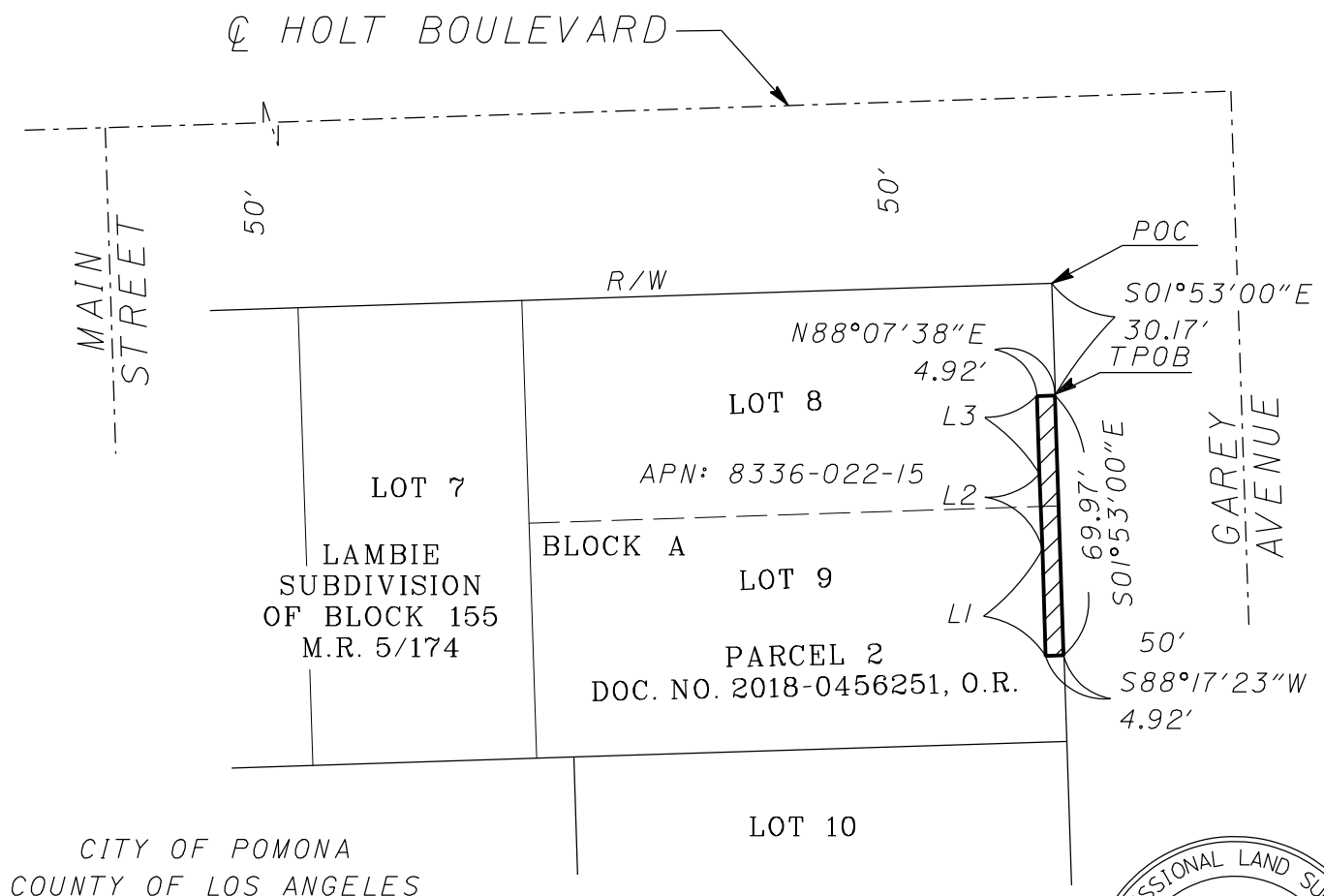
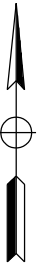


EXHIBIT B

APN	TYPE OF ESTATE	AREA
8336-022-15	TEMPORARY CONSTRUCTION EASEMENT	342 SF

<i>NO.</i>	<i>BEARING</i>	<i>DISTANCE</i>
<i>L1</i>	<i>N01°42'37"W</i>	<i>28.74'</i>
<i>L2</i>	<i>N02°10'18"W</i>	<i>20.26'</i>
<i>L3</i>	<i>N01°51'12"W</i>	<i>20.96'</i>



LEGEND



Indicates area to be acquired

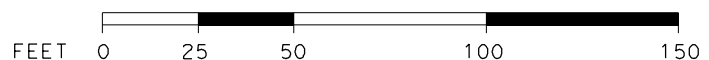
POC *Point Of Commencement*
TPOB *True Point of Beginning*
(R) *Radial Bearing*

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

3/24/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

SF

SCALE

$$1'' = 50'$$

SHEET NO.

/

TOTAL
SHEETS

/

Map Check Report

Project: WVC - OC
 Alignment: 8336-022-15
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65108)		1845095.81	6637242.45	0.00
	S 1°53'00" E	69.97			
PI (	65109)		1845025.88	6637244.75	0.00
	S 88°17'23" W	4.92			
PI (	65110)		1845025.73	6637239.83	0.00
	N 1°42'37" W	28.74			
PI (	65112)		1845054.46	6637238.98	0.00
	N 2°10'18" W	20.26			
PI (	65113)		1845074.70	6637238.21	0.00
	N 1°51'12" W	20.96			
PI (	65111)		1845095.65	6637237.53	0.00
	N 88°07'38" E	4.92			
POE (	65108)		1845095.81	6637242.45	0.00

Northing Error: 0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: S 51°14'57" E
 Closing Distance: 0.01 ft
 Closed Area: 342.18 sq ft (0.01 ac)
 Perimeter: 149.76 ft
 Precision: 27371.25

RESOLUTION OF NECESSITY No. 22-046

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

RESOLUTION NO. 22-046

**A RESOLUTION OF THE SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY FINDING AND DETERMINING
THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN
REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND
DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S
PARCEL NO. 1011-111-21**

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

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

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

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

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

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

WHEREAS, certain portions of the real property located at 1511 W. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1011-111-21 (the “Property”) are required for the Project. The specific portions of the Property required for the Project consist of a total approximate 638 square foot temporary construction easement area with a term of twenty-four months legally described and depicted in Exhibit “1” hereto (the “Subject Property Interest”). The approximate 638 square foot Subject Property Interest consists of an approximate 519 square foot area on the Property designated as Parcel A in Exhibit “1” and an approximate 119 square foot area on the Property designated as Parcel B in Exhibit “1”, and includes any site improvements impacted by the Project; and

WHEREAS, to the extent the Subject Property Interest or portions thereof are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to

Code of Civil Procedure Sections 1240.320 and 1240.330, if necessary. The requirements of said Code of Civil Procedure Sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the Project; and

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

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

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

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

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

WHEREAS, pursuant to Code of Civil Procedure Section 1245.235, SBCTA scheduled a hearing for September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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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;
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AYES:

NOES:

ABSENT:

Art Bishop, Board President
San Bernardino County Transportation Authority

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

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1011-111-21

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

Parcel A

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

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

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

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

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

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

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

Containing 519 square feet, more or less.

Parcel B

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

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

Thence South $89^{\circ}36'21''$ West 166.20 feet along said parallel line to the **True Point of Beginning**;

Thence South $00^{\circ}23'56''$ East 19.57 feet;

Thence South $89^{\circ}36'04''$ West 6.02 feet to the westerly line of said Parcel 2;

Thence along the said westerly line North $00^{\circ}46'23''$ West 19.57 feet to said parallel line;

Thence along said parallel line North $89^{\circ}36'21''$ East 6.14 feet to the **True Point of Beginning**.

Containing 119 square feet, more or less.

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

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

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

Signature: _____

William R. Estepa, PLS 8580

Date: 04/28/2021

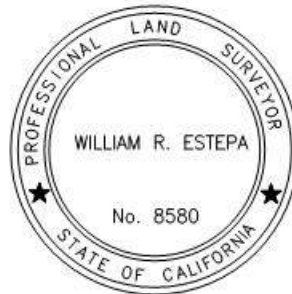
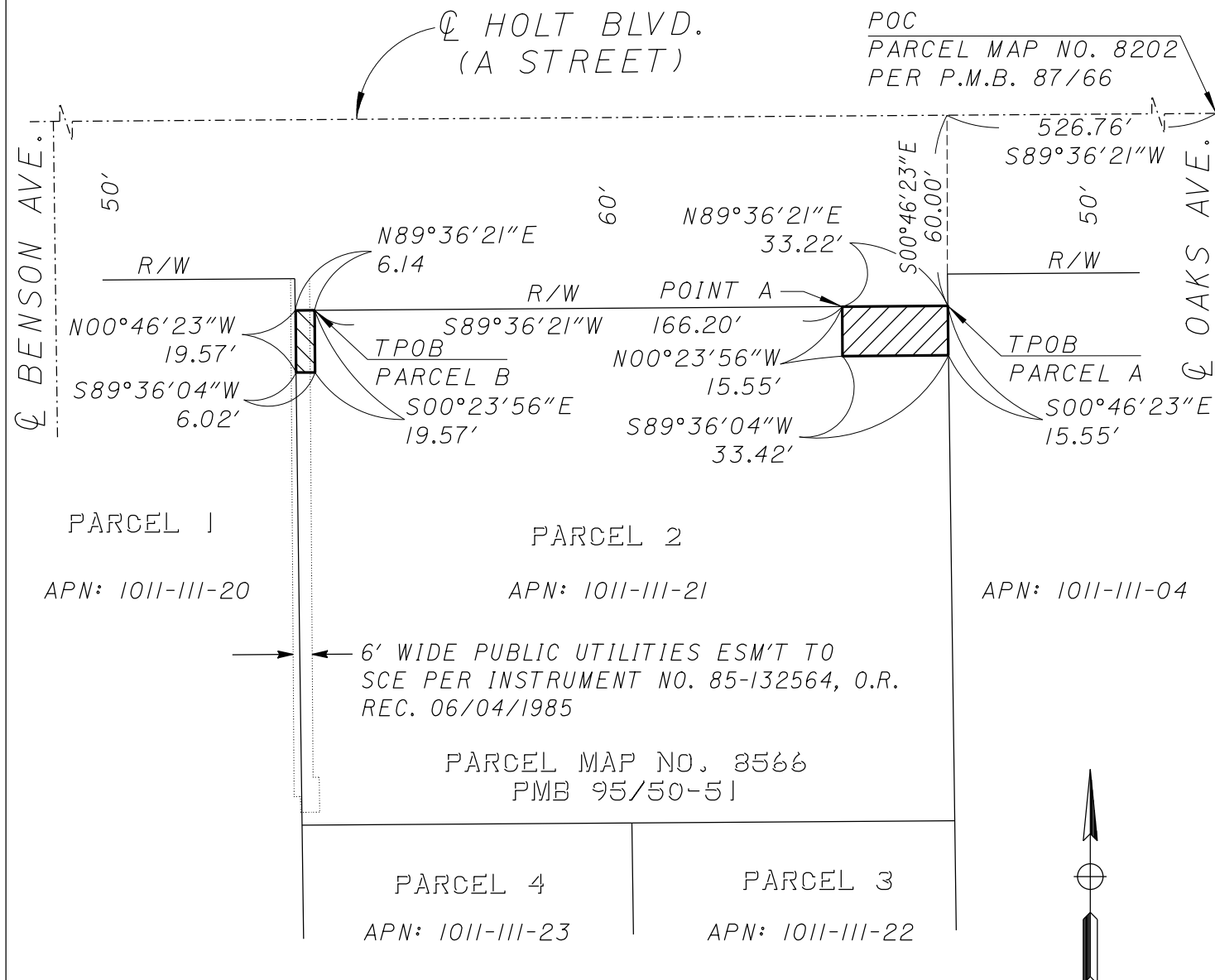


EXHIBIT B

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



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

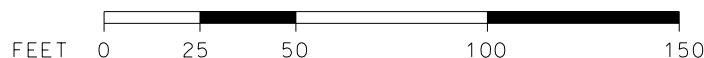
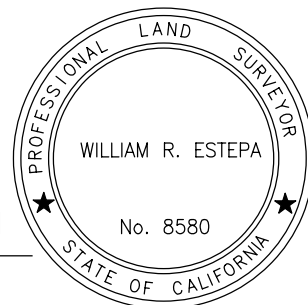
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

04/28/2021

WILLIAM R. ESTEPA, PLS 8580 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

AP

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

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

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

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

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

RESOLUTION OF NECESSITY No. 22-130

**RANCHO MALL, LLC, A DELAWARE
LIMITED LIABILITY COMPANY PROPERTY
(APNS 1090-531-03 & 1090-551-04)**

RESOLUTION NO. 22-130

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. 1090-531-03 & 1090-551-04

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 12505 N. Main Street in the City of Rancho Cucamonga, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1090-531-03 and 1090-551-04 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 735 square foot permanent easement on APN 1090-531-03 legally described and depicted in Exhibit "1" hereto, and an approximate 3,541 square foot temporary construction easement with a term of twenty-four months on APN 1090-531-03 legally described and depicted in Exhibit "2" hereto (collectively the "Subject Property Interests"). The Subject Property Interests include any site improvements impacted by the Project; 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 Rancho Cucamonga 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 September 7, 2022 at 9:30 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 Rancho Cucamonga notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

- (a) The public interest and necessity require the Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

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

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

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

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

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

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

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

On September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, Board President
San Bernardino County Transportation Authority

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

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Public Sidewalk and Pedestrian Easement

APN: 1090-531-03

Those portions of Parcels 10 and 11 of Parcel Map No. 15716-1, in the City of Rancho Cucamonga, County of San Bernardino, State of California, per map filed in Book 199, Pages 61 through 81 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Day Creek Boulevard and South Mainstreet, as shown on said Parcel Map;

thence along the centerline of said Day Creek Boulevard North 03°17'52" East 141.34 feet;

thence leaving said centerline South 86°42'08" East 72.00 feet to the westerly line of said Parcel 11 and the **True Point of Beginning**;

thence leaving said westerly line South 75°43'48" East 2.04 feet to the beginning of a non-tangent curve concave westerly having a radius of 112.41 feet, a radial line to said curve bears South 75°43'48" East;

thence northerly 21.48 feet along said curve through a central angle of 10°57'03";

thence North 03°19'09" East 160.00 feet;

thence North 86°40'51" West 3.42 feet to the beginning of a non-tangent curve concave westerly having a radius of 221.52 feet, a radial line to said curve bears South 86°40'51" East;

thence northerly 17.75 feet along said curve through a central angle of 04°35'28" to said westerly line;

thence along said westerly line South 03°17'52" West 198.70 feet to the **True Point of Beginning**.

Containing 735 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.

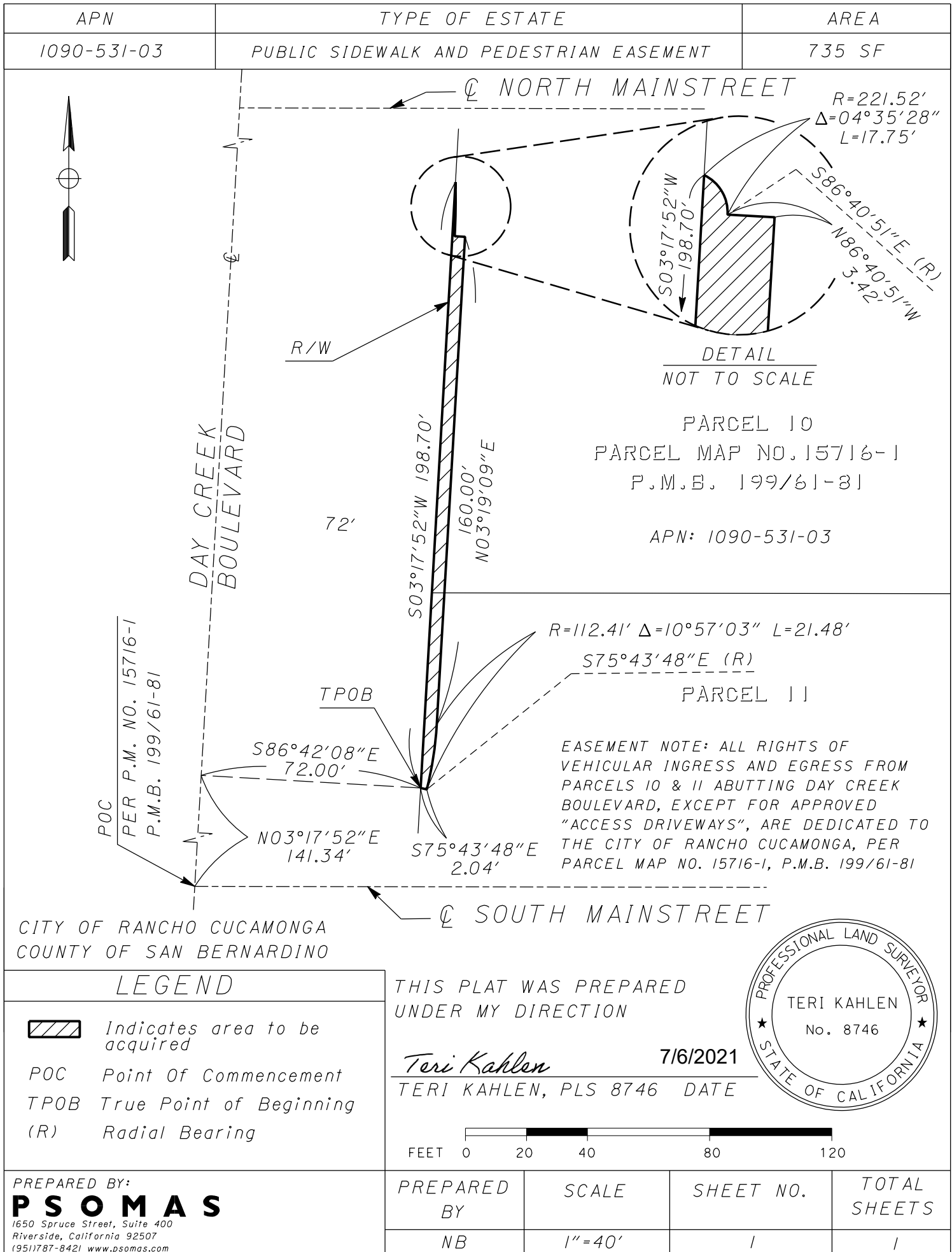
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/6/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1090-531-03 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85606) S 75°43'48" E	2.04	1863177.086	6701893.336	0.000
TC (	85607) Radius:	112.41	1863176.582	6701895.317	0.000
	Delta:	10°57'03"			
	Length:	21.48			
	Chord:	21.45			
	Tangent:	10.77			
	Middle Ordinate:	0.51			
	External:	0.52			
	S 75°43'48" E (Radial)				
CC (	85608) N 8°47'41" E (Chord)		1863204.289	6701786.379	0.000
	S 86°40'51" E (Radial)				
CT (	85609) N 3°19'09" E	160.00	1863197.781	6701898.596	0.000
POT (	85610) N 86°40'51" W	3.42	1863357.513	6701907.860	0.000
TC (	85611) Radius:	221.52	1863357.710	6701904.449	0.000
	Delta:	4°35'28"			
	Length:	17.75			
	Chord:	17.75			
	Tangent:	8.88			
	Middle Ordinate:	0.18			
	External:	0.18			
	S 86°40'51" E (Radial)				
CC (	85612) N 1°01'25" E (Chord)		1863370.536	6701683.304	0.000
	N 88°43'41" E (Radial)				
CT (	85613) S 3°17'52" W	198.70	1863375.453	6701904.766	0.000
POT (	85606)		1863177.086	6701893.336	0.000

Northing Error: 0.001 ft
 Easting Error: -0.007 ft
 Closing Direction: S 83°47'19" E
 Closing Distance: 0.007 ft
 Closed Area: 734.6 sq ft (0.0 ac)
 Perimeter: 403.391 ft
 Precision: 56319.952

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1090-531-03

Those portions of Parcels 10 and 11 of Parcel Map No. 15716-1, in the City of Rancho Cucamonga, County of San Bernardino, State of California, per map filed in Book 199, Pages 61 through 81 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Day Creek Boulevard and South Mainstreet, as shown on said Parcel Map;

thence along the centerline of said Day Creek Boulevard North 03°17'52" East 141.34 feet;

thence leaving said centerline South 86°42'08" East 72.00 feet to the westerly line of said Parcel 11 and the **True Point of Beginning**;

thence leaving said westerly line South 75°43'48" East 2.04 feet to the beginning of a non-tangent curve concave westerly having a radius of 112.41 feet, a radial line to said curve bears South 75°43'48" East;

thence northerly 21.48 feet along said curve through a central angle of 10°57'03";

thence North 03°19'09" East 160.00 feet;

thence North 86°40'51" West 3.42 feet to the beginning of a non-tangent curve concave westerly having a radius of 221.52 feet, a radial line to said curve bears South 86°40'51" East;

thence northerly 17.75 feet along said curve through a central angle of 04°35'28" to said westerly line;

thence along said westerly line North 03°17'52" East 77.26 feet;

thence leaving said westerly line South 86°39'37" East 13.41 feet;

thence South 03°18'53" West 320.00 feet;

thence North $86^{\circ}40'15''$ West 13.32 feet to said westerly line;

thence along said westerly line North $03^{\circ}17'52''$ East 44.04 feet to the **True Point of Beginning**.

Containing 3,541 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).

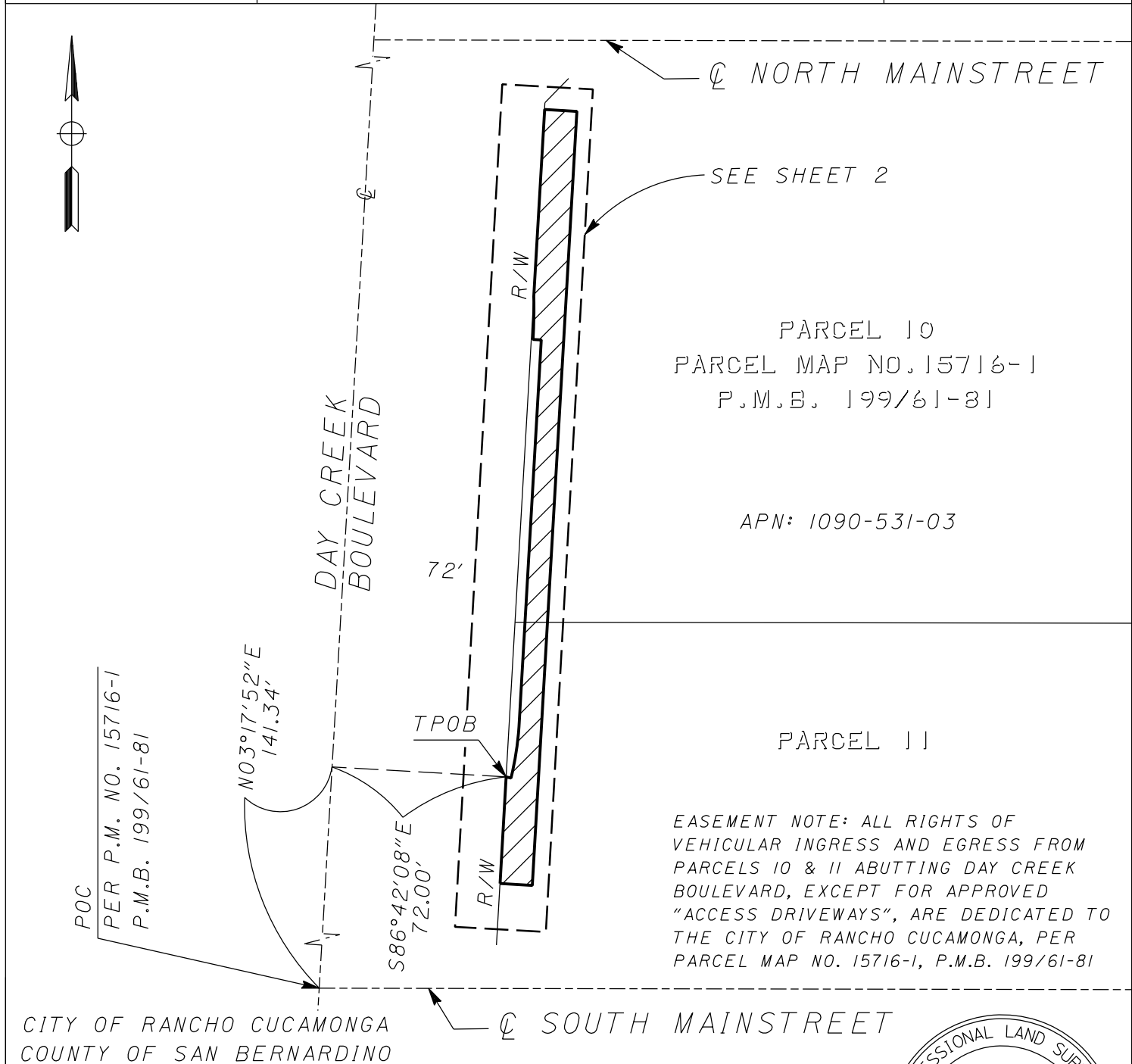
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/6/2021



EXHIBIT B

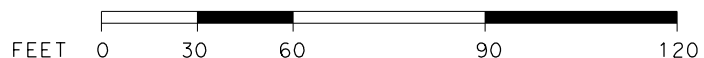
APN	TYPE OF ESTATE	AREA
1090-531-03	TEMPORARY CONSTRUCTION EASEMENT	3,541 SF



LEGEND	
	Indicates area to be acquired
POC	Point Of Commencement
TPOB	True Point of Beginning
(R)	Radial Bearing
PREPARED BY: PSOMAS 1650 Spruce Street, Suite 400 Riverside, California 92507 (951)787-8421 www.psomas.com	

THIS PLAT WAS PREPARED
 UNDER MY DIRECTION

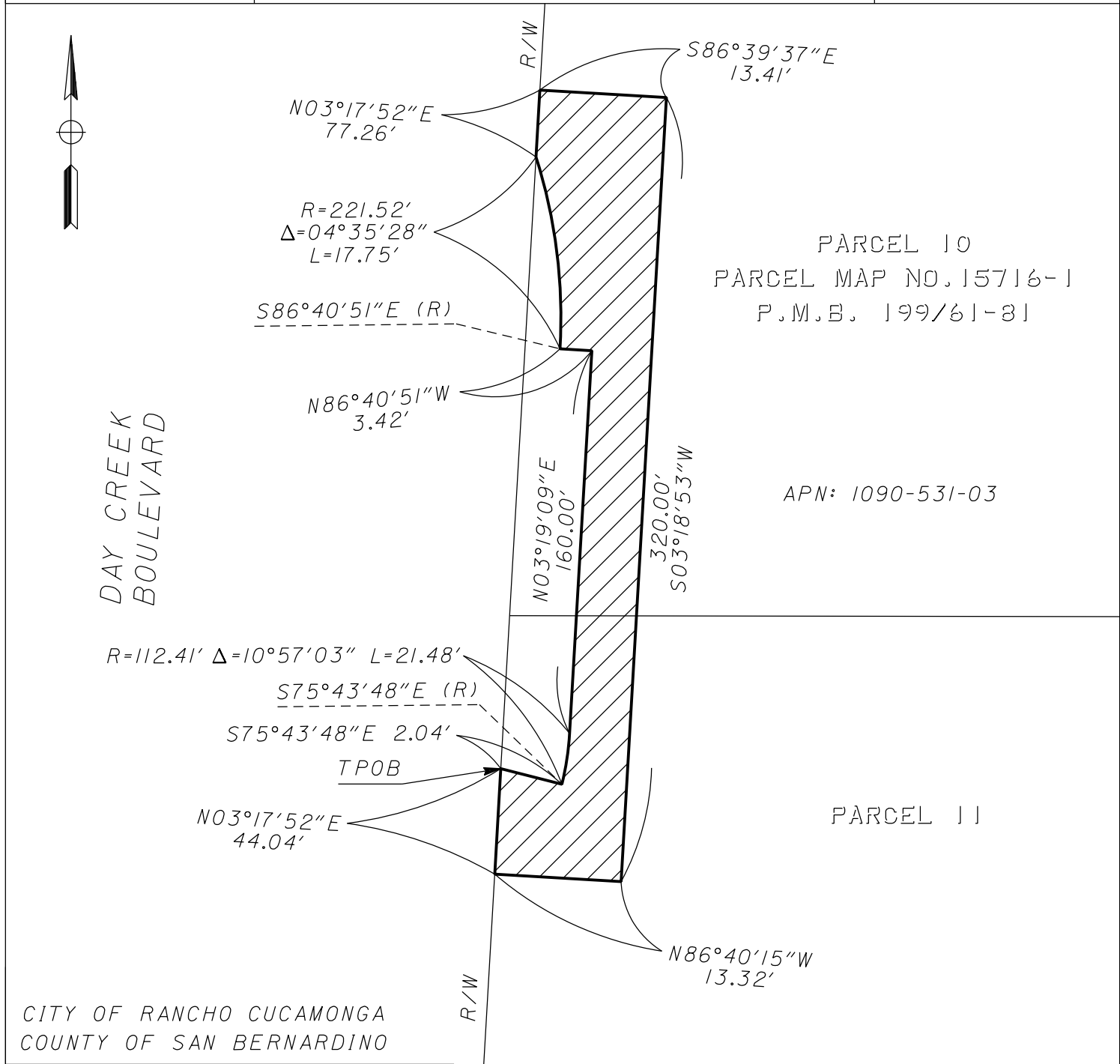
Teri Kahlen 7/6/2021
 TERI KAHLEN, PLS 8746 DATE



PREPARED BY	SCALE	SHEET NO.	TOTAL SHEETS
NB	1"=60'	1	2

EXHIBIT B

APN	TYPE OF ESTATE	AREA
1090-531-03	TEMPORARY CONSTRUCTION EASEMENT	3,541 SF



LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

PREPARED BY:

PSOMAS

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

PREPARED BY

NB

SCALE

N.T.S.

SHEET NO.

2

TOTAL SHEETS

2

Map Check Report

Project: WVC - OC
 Alignment: 1090-531-03 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85606) S 75°43'48" E	2.04	1863177.086	6701893.336	0.000
TC (	85607) Radius:	112.41	1863176.582	6701895.317	0.000
	Delta:	10°57'03"			
	Length:	21.48			
	Chord:	21.45			
	Tangent:	10.77			
	Middle Ordinate:	0.51			
	External:	0.52			
	S 75°43'48" E (Radial)				
CC (	85608) N 8°47'41" E (Chord)		1863204.289	6701786.379	0.000
	S 86°40'51" E (Radial)				
CT (	85609) N 3°19'09" E	160.00	1863197.781	6701898.596	0.000
POT (	85610) N 86°40'51" W	3.42	1863357.513	6701907.860	0.000
TC (	85611) Radius:	221.52	1863357.710	6701904.449	0.000
	Delta:	4°35'28"			
	Length:	17.75			
	Chord:	17.75			
	Tangent:	8.88			
	Middle Ordinate:	0.18			
	External:	0.18			
	S 86°40'51" E (Radial)				
CC (	85612) N 1°01'25" E (Chord)		1863370.536	6701683.304	0.000
	N 88°43'41" E (Radial)				
CT (	85613) N 3°17'52" E	77.26	1863375.453	6701904.766	0.000
POT (	85614) S 86°39'37" E	13.41	1863452.588	6701909.211	0.000
POT (	85615) S 3°18'53" W	320.00	1863451.807	6701922.598	0.000
POT (	85616) N 86°40'15" W	13.32	1863132.346	6701904.096	0.000
POT (	85617) N 3°17'52" E	44.04	1863133.120	6701890.803	0.000
POT (	85606)		1863177.086	6701893.336	0.000

Northing Error: -0.001 ft
 Easting Error: -0.012 ft
 Closing Direction: N 83°00'06" E
 Closing Distance: 0.012 ft
 Closed Area: 3541.4 sq ft (0.1 ac)
 Perimeter: 672.718 ft
 Precision: 56137.673

RESOLUTION OF NECESSITY No. 22-062
ELIA M. TAWIL, TRUSTEE OF THE ELIA M.
TAWIL REVOCABLE TRUST DATED
DECEMBER 20, 2006 PROPERTY
(APN 1048-524-17)

RESOLUTION NO. 22-062

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. 1048-524-17

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

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

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

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

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

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

WHEREAS, portions of the real property located at 601 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1048-524-17 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 71 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 1,278 temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit “2” hereto (collectively the “Subject Property Interests”). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

- (a) The public interest and necessity require the Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

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

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

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

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

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

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

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

On September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, 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: 1048-524-17

Those portions of Lots 5 and 6 of the Map of Miss J.M. Lowe's Subdivision of Lots 3, Block 1010, Ontario Colony Lands, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 18, Page 7 of Maps in the office of the County Recorder of said County, described as follows:

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

thence along the centerline of said Holt Boulevard South $89^{\circ}35'38''$ West 43.71 feet;

thence leaving said centerline North $00^{\circ}24'22''$ West 40.00 feet to the southeasterly corner of said Lot 5 and the **True Point of Beginning**;

thence along the easterly line of said Lot 5 North $00^{\circ}22'07''$ West 0.60 feet;

thence leaving said easterly line South $89^{\circ}36'55''$ West 83.03 feet to the beginning of a curve, concave northeasterly, having a radius of 10.00 feet;

thence northwesterly along said curve 10.81 feet through a central angel of $61^{\circ}56'07''$ to the westerly line of said Lot 6;

thence along said westerly line South $00^{\circ}20'45''$ East 5.93 feet to the southwesterly corner of said Lot 6;

thence along the southerly lines of said Lots 5 and 6 North $89^{\circ}35'38''$ East 91.85 feet to the **True Point of Beginning**.

Containing 71 square feet, more or less.

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

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

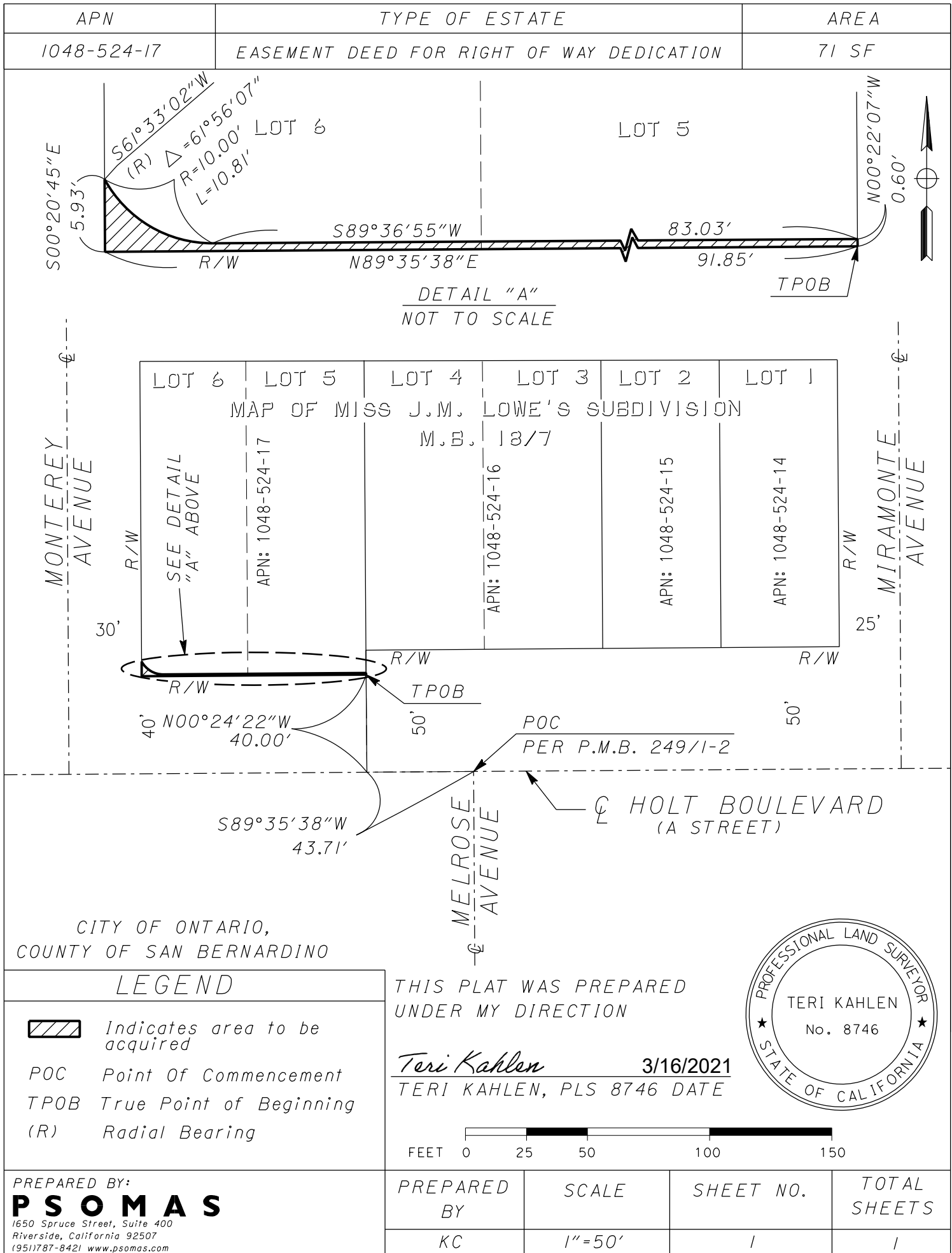
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/16/2021



EXHIBIT B



Map Check Report

Project: SBCTA BRT Pcl Calcs (KC)
 Alignment: 1048-524-17 ROW
 Description: ROW ESMT PCL

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	100055)		1845678.88	6669697.59	0.00
	N 0°22'07" W	0.60			
PI (	100153)		1845679.48	6669697.58	0.00
	S 89°36'55" W	83.03			
BC (	100154)		1845678.93	6669614.56	0.00
	Radius:	10.00			
	Delta:	61°56'07"			
	Length:	10.81			
	Chord:	10.29			
	Tangent:	6.00			
	Middle Ordinate:	1.43			
	External:	1.66			
	N 0°23'05" W (Radial)				
CC (	100155)		1845688.93	6669614.49	0.00
	N 59°25'02" W (Chord)				
	N 61°33'02" E (Radial)				
EC (	100156)		1845684.16	6669605.70	0.00
	S 0°20'45" E	5.93			
PI (	100056)		1845678.23	6669605.74	0.00
	N 89°35'38" E	91.85			
POE (	100055)		1845678.88	6669697.59	0.00

Northing Error: -0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: N 81°50'07" E
 Closing Distance: 0.01 ft
 Closed Area: 71 sq ft (0 ac)
 Perimeter: 192.23 ft
 Precision: 26680.46

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1048-524-17

Those portions of Lots 5 and 6 of the Map of Miss J.M. Lowe's Subdivision of Lots 3, Block 1010, Ontario Colony Lands, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 18, Page 7 of Maps in the office of the County Recorder of said County, described as follows:

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

thence along the centerline of said Holt Boulevard South $89^{\circ}35'38''$ West 43.71 feet;

thence leaving said centerline North $00^{\circ}24'22''$ West 40.00 feet to the southeasterly corner of said Lot 5;

thence along the easterly line of said Lot 5 North $00^{\circ}22'07''$ West 0.60 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}36'55''$ West 83.03 feet to the beginning of a curve, concave northeasterly, having a radius of 10.00 feet;

thence northwesterly along said curve 10.81 feet through a central angel of $61^{\circ}56'07''$ to the westerly line of said Lot 6;

thence along said westerly line North $00^{\circ}20'45''$ West 29.31 feet;

thence leaving said westerly line North $89^{\circ}36'55''$ East 4.69 feet;

thence South $00^{\circ}39'06''$ East 20.60 feet;

thence North $89^{\circ}36'55''$ East 50.30 feet;

thence South $00^{\circ}23'05''$ East 2.50 feet;

thence North $89^{\circ}36'55''$ East 36.74 feet to said easterly line;

thence along said easterly line South 00°22'07" East 11.50 feet to the **True Point of Beginning**.

Containing 1,278 square feet, more or less.

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

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

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

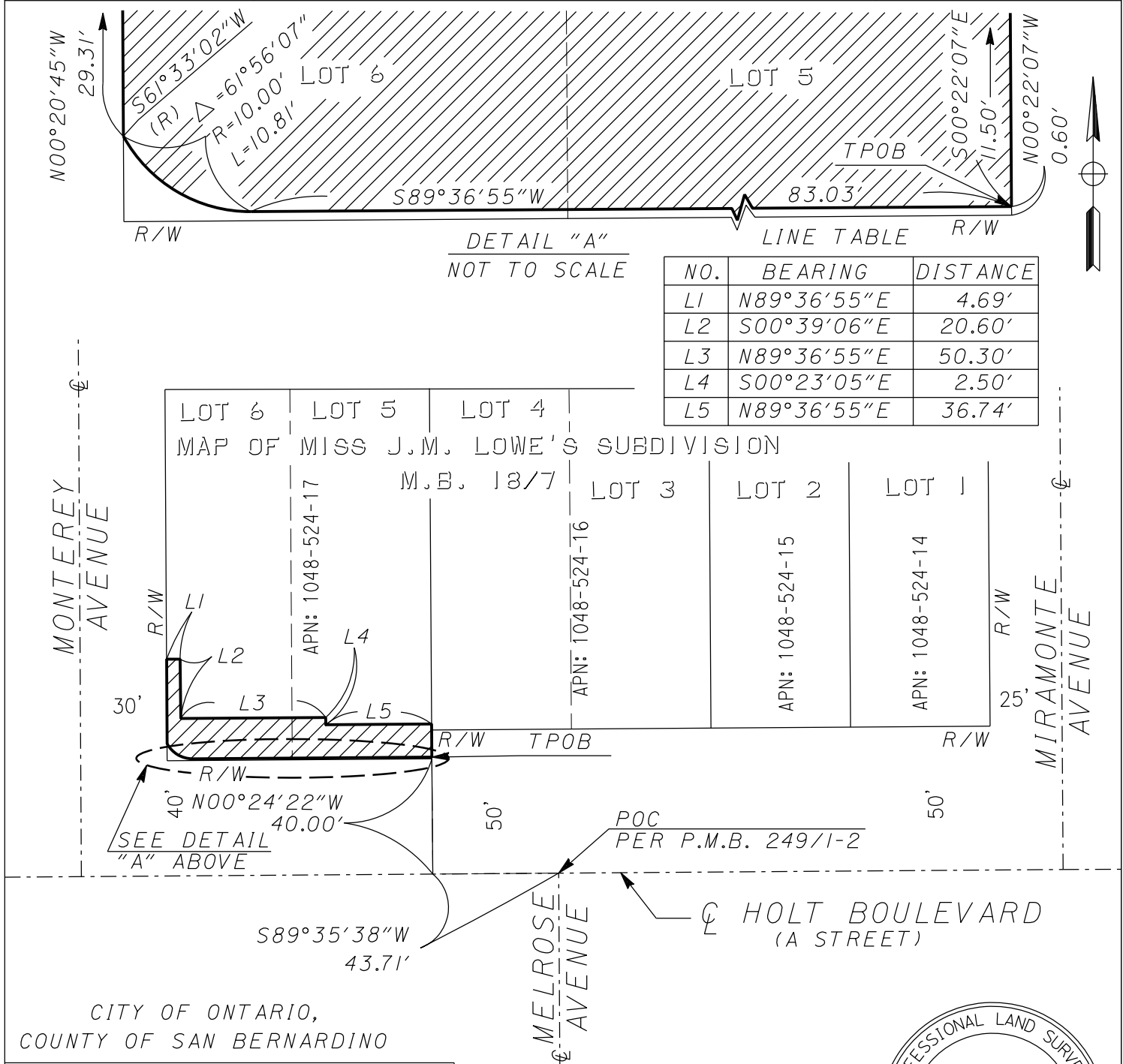
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/16/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1048-524-17	TEMPORARY CONSTRUCTION EASEMENT	1,278 SF



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

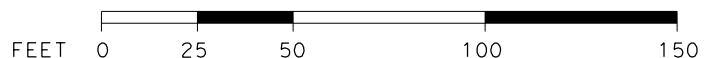
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

3/16/2021

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: 1048-524-17 TCE
 Description: TCE

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (100153)			1845679.48	6669697.58	0.00
	S 89°36'55" W	83.03			
BC (100154)			1845678.93	6669614.56	0.00
	Radius:	10.00			
	Delta:	61°56'07"			
	Length:	10.81			
	Chord:	10.29			
	Tangent:	6.00			
	Middle Ordinate:	1.43			
	External:	1.66			
	N 0°23'05" W (Radial)				
CC (100155)			1845688.93	6669614.49	0.00
	N 59°25'02" W (Chord)				
	N 61°33'02" E (Radial)				
EC (100156)			1845684.16	6669605.70	0.00
	N 0°20'45" W	29.31			
PI (100162)			1845713.47	6669605.52	0.00
	N 89°36'55" E	4.69			
PI (100161)			1845713.50	6669610.21	0.00
	S 0°39'06" E	20.60			
PI (100160)			1845692.90	6669610.45	0.00
	N 89°36'55" E	50.30			
PI (100159)			1845693.24	6669660.75	0.00
	S 0°23'05" E	2.50			
PI (100158)			1845690.74	6669660.76	0.00
	N 89°36'55" E	36.74			
PI (100157)			1845690.98	6669697.51	0.00
	S 0°22'07" E	11.50			
POE (100153)			1845679.48	6669697.58	0.00

Northing Error: 0.00 ft
Easting Error: -0.01 ft
Closing Direction: S 65°22'18" E
Closing Distance: 0.01 ft
Closed Area: 1278 sq ft (0 ac)
Perimeter: 249.48 ft
Precision: 21244.16

RESOLUTION OF NECESSITY No. 23-004

DEBORAH Y. CAGLE PROPERTY

(APNs 1049-094-04 & 1049-094-14)

RESOLUTION NO. 23-004

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. 1049-094-04 & 1049-094-14

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

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

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

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

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

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

WHEREAS, portions of the real property located at 660 and 668 E. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-094-04 and 1049-094-14 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are a total approximate 2,962 square foot permanent easement area and a total approximate 6,970 temporary construction easement area with a term of twenty-four months on the Property (collectively the “Subject Property Interests”). Specifically, the Subject Property Interests consist of an approximate 1,800 square foot permanent easement on APN 1049-094-04 legally described and depicted in Exhibit “1” hereto, an approximate 4,066 square foot temporary construction easement with a term of twenty-four months on APN 1049-094-04 legally described and depicted in Exhibit “2” hereto, an approximate 1,162 square foot permanent easement on APN 1049-094-14 legally described and depicted in Exhibit “3” hereto, an approximate 2,904 square foot temporary construction easement with a term

of twenty-four months on APN 1049-094-14 legally described and depicted in Exhibit “4” hereto. The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and

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

Section 4. Necessity.

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

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

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

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "4" attached hereto and incorporated herein by reference.

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

- (a) The public interest and necessity require the Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and
- (d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

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

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

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

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

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

On September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, 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

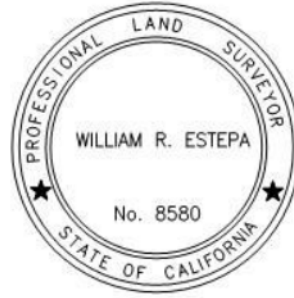
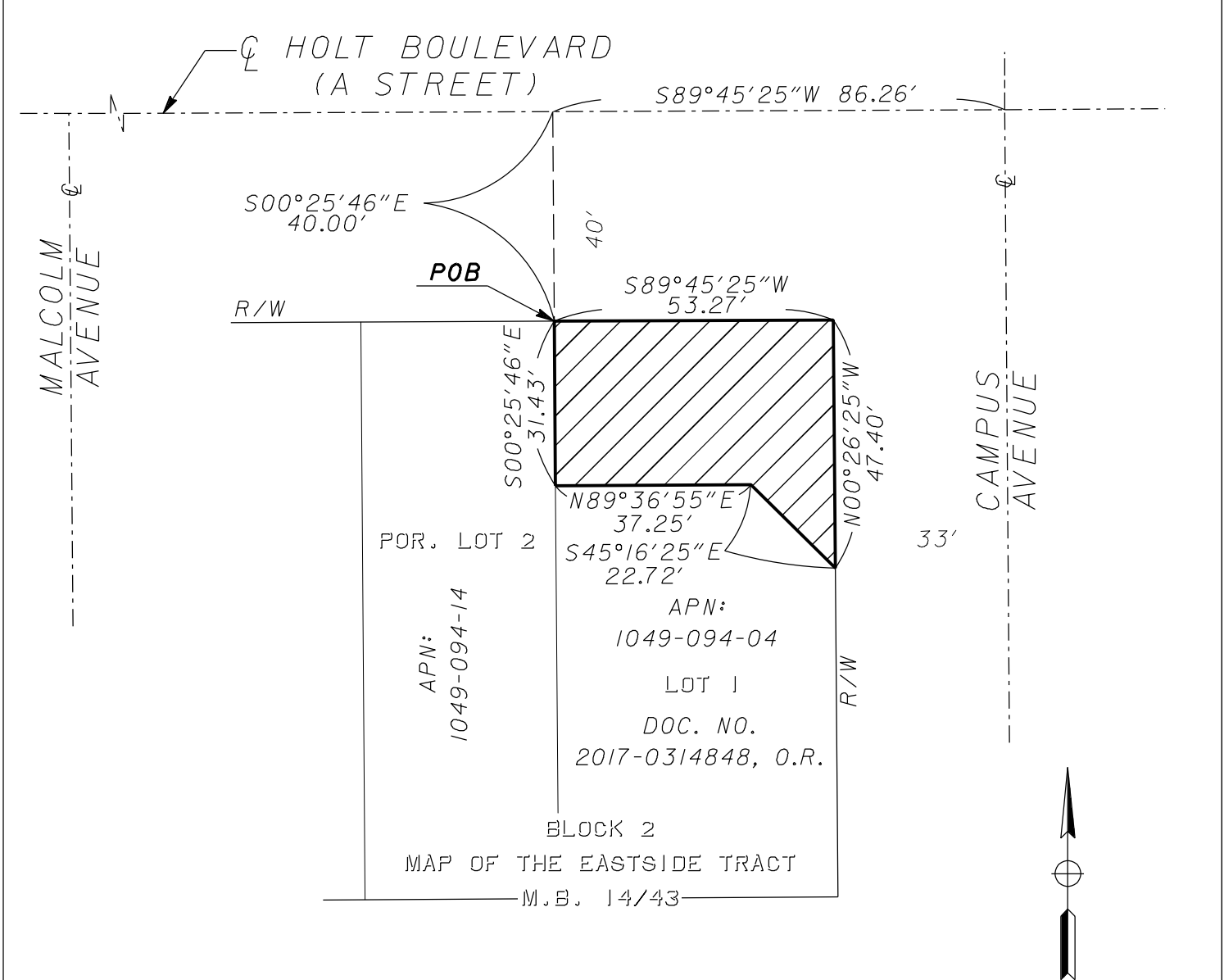


EXHIBIT B

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

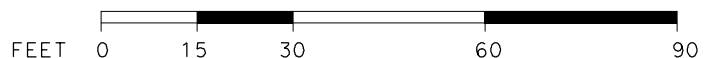
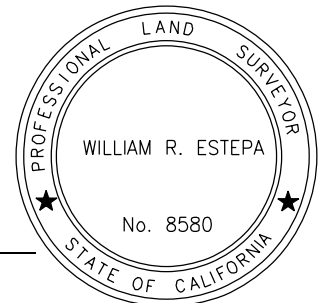
R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

07/28/2021

WILLIAM R. ESTEPA, PLS 8580 DATE



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;

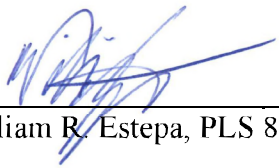
Thence along said westerly line North 00°25'46" West 78.72 feet to the **True Point of Beginning**;

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

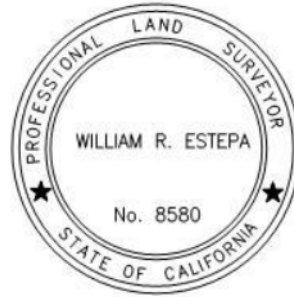
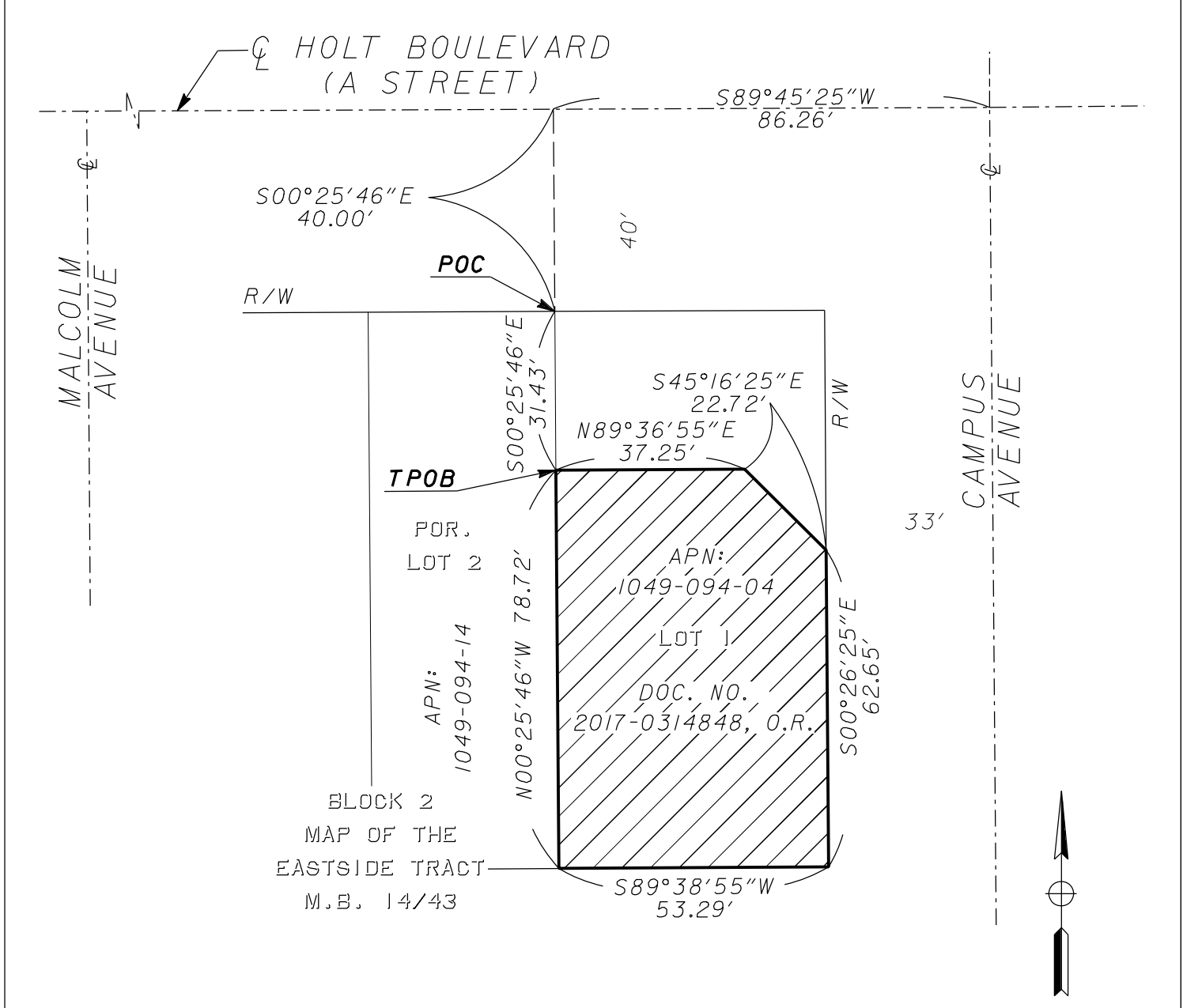


EXHIBIT B

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

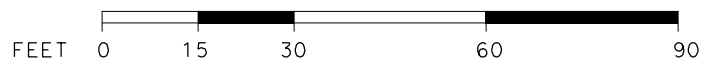
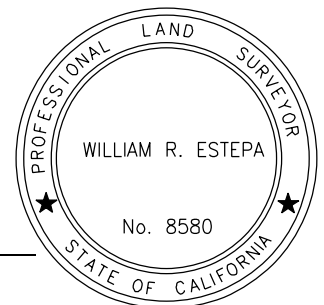
R/W Right-of-Way

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	

EXHIBIT “3”

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

APN: 1049-094-14

That portion of Lot 2 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 2 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 northeasterly corner of said Lot 2;

Thence along the easterly line of said Lot 2 South 00°25'46" East 31.43 feet;

Thence leaving said easterly line South 89°36'55" West 36.90 feet to the easterly line of the land described in said Quitclaim Deed;

Thence along said easterly line of the land described in said Quitclaim Deed North 00°25'46" West 31.53 feet to the northerly line of said Lot 2;

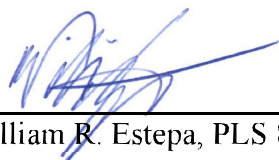
Thence along said northerly line North 89°45'25" East 36.90 feet to the **Point of Beginning**.

Containing 1,162 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

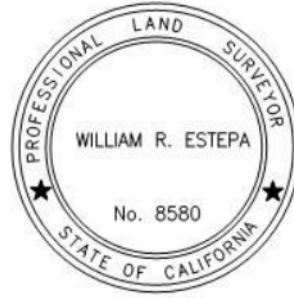
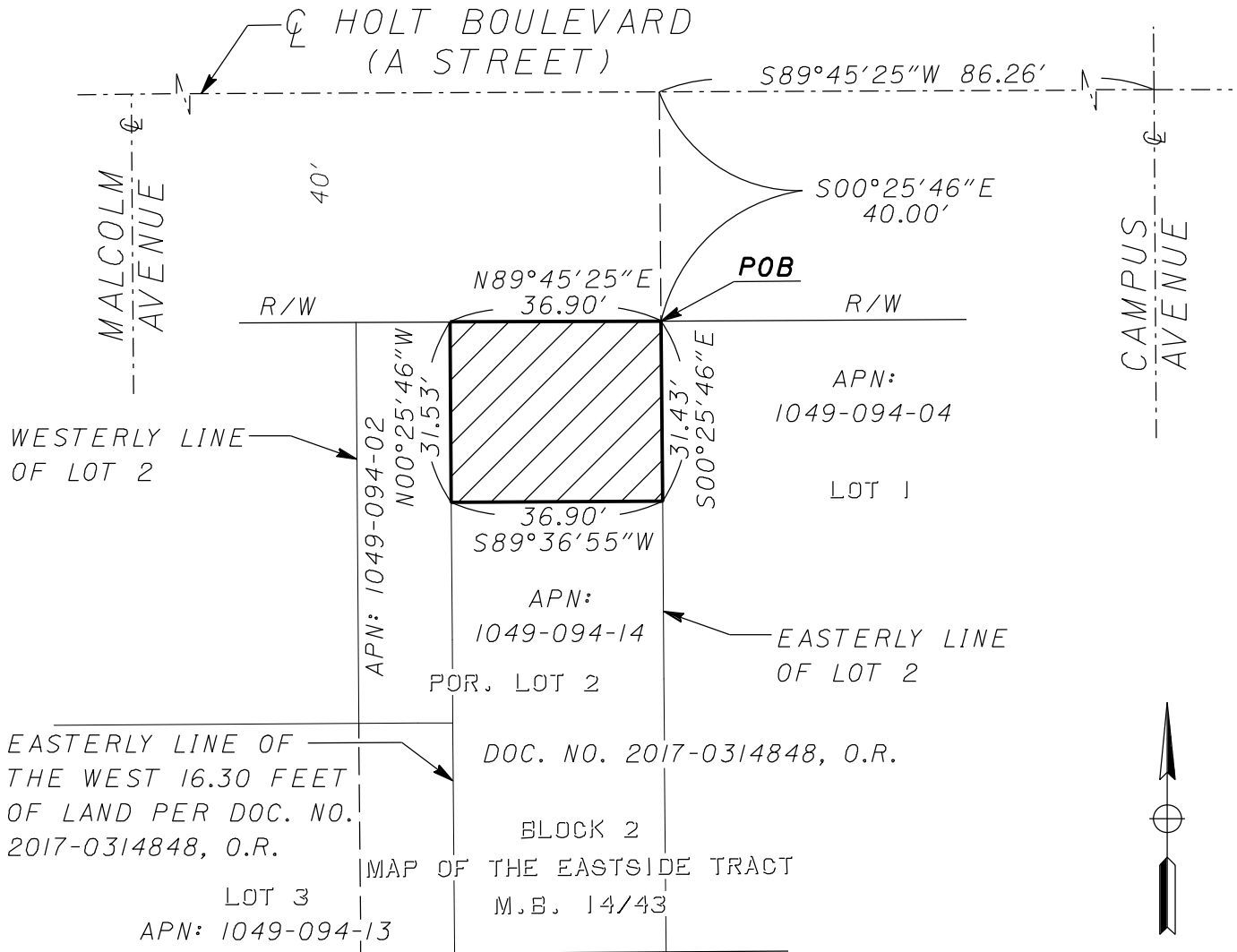


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-094-14	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,162 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POB Point of Beginning

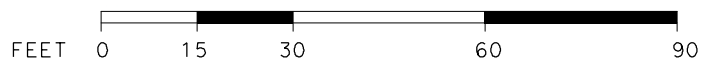
R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

[Signature]

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: 1049-094-14
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 (70209)	0+68.33	1845569.96	6670166.58
Tangent Direction:	S 89^36'55" W		
Tangent Length:	36.90		
Element: Linear			
PI (70209)	0+68.33	1845569.96	6670166.58
PI (70210)	0+99.86	1845601.49	6670166.35
Tangent Direction:	N 0^25'46" W		
Tangent Length:	31.53		
Element: Linear			
PI (70210)	0+99.86	1845601.49	6670166.35
POE (70202)	1+36.76	1845601.65	6670203.25
Tangent Direction:	N 89^45'25" E		
Tangent Length:	36.90		
Area:	1161.5 sq.feet	0.0 acres	

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-094-14

That portion of Lot 2 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 2 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 northeasterly corner of said Lot 2;

Thence along the easterly line of said Lot 2 South 00°25'46" East 31.43 feet to the **True Point of Beginning**;

Thence leaving said easterly line South 89°36'55" West 36.90 feet to the easterly line of the land described in said Quitclaim Deed;

Thence along said easterly line of the land described in said Quitclaim Deed South 00°25'46" East 78.70 feet to the southerly line of said Lot 2;

Thence along said southerly line North 89°38'55" East 36.90 feet to the easterly line of said Lot 2;

Thence along said easterly line of said Lot 2 North 00°25'46" West 78.72 feet to the **True Point of Beginning**.

Containing 2,904 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

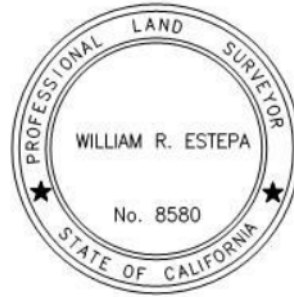
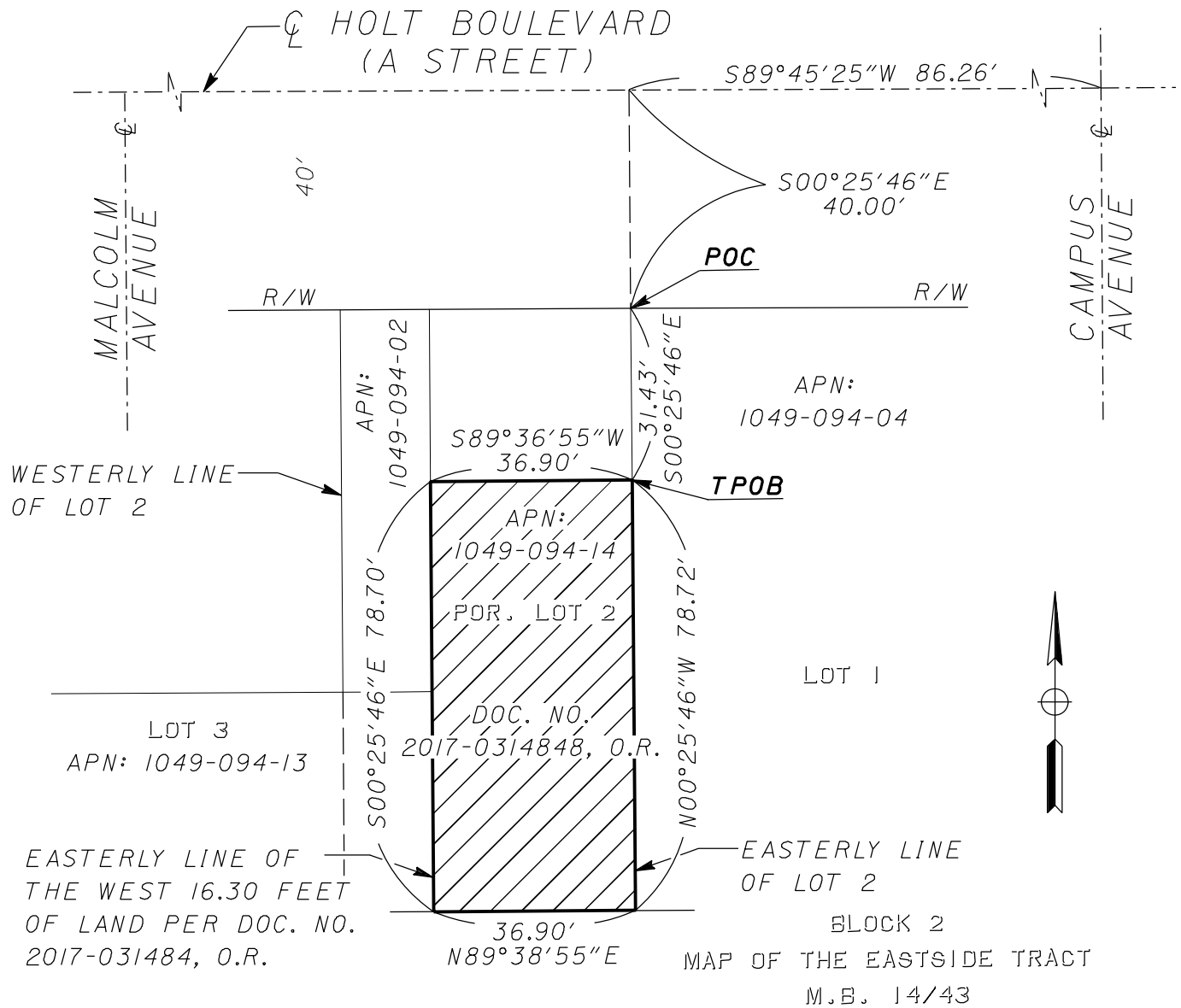


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-094-14	TEMPORARY CONSTRUCTION EASEMENT	2,904 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

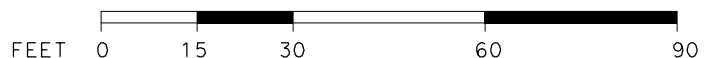
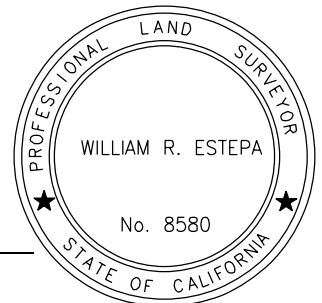
R/W Right-of-Way

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: 1049-094-14 TCE
Description: TCE
Style: Default

	STATION	NORTHING	EASTING
Element: Linear			
POB (70203)	0+00.00	1845570.21	6670203.48
PI (70209)	0+36.90	1845569.96	6670166.58
Tangent Direction:	S 89^36'55" W		
Tangent Length:	36.90		
Element: Linear			
PI (70209)	0+36.90	1845569.96	6670166.58
PI (70211)	1+15.60	1845491.27	6670167.17
Tangent Direction:	S 0^25'46" E		
Tangent Length:	78.70		
Element: Linear			
PI (70211)	1+15.60	1845491.27	6670167.17
PI (70207)	1+52.50	1845491.49	6670204.07
Tangent Direction:	N 89^38'55" E		
Tangent Length:	36.90		
Element: Linear			
PI (70207)	1+52.50	1845491.49	6670204.07
POE (70203)	2+31.22	1845570.21	6670203.48
Tangent Direction:	N 0^25'46" W		
Tangent Length:	78.72		
Area:	2904.3 sq.feet	0.1 acres	

RESOLUTION OF NECESSITY No. 23-007
MUHAMMAD A. MALIK PROPERTY
(APN 1049-093-01)

RESOLUTION NO. 23-007

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. 1049-093-01

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

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

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

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

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

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

WHEREAS, portions of the real property located at 616 E. Holt Boulevard, in the City of Ontario, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-093-01 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,105 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 4,037 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"). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 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 proceeding 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 September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, 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: 1049-093-01

That portion of Lot 6 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 6;

thence along the northerly line of said Lot 6 North 89°35'38" East 46.72 feet to the northeasterly corner of said Lot 6;

thence along the easterly line of said Lot 6 South 00°23'51" East 22.49 feet;

thence leaving said easterly line North 88°15'05" West 32.99 feet;

thence South 45°35'44" West 19.13 feet to the westerly line of said Lot 6;

thence along said westerly line North 00°23'12" West 34.54 feet to the **Point of Beginning**.

Parcel contains 1,105 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).

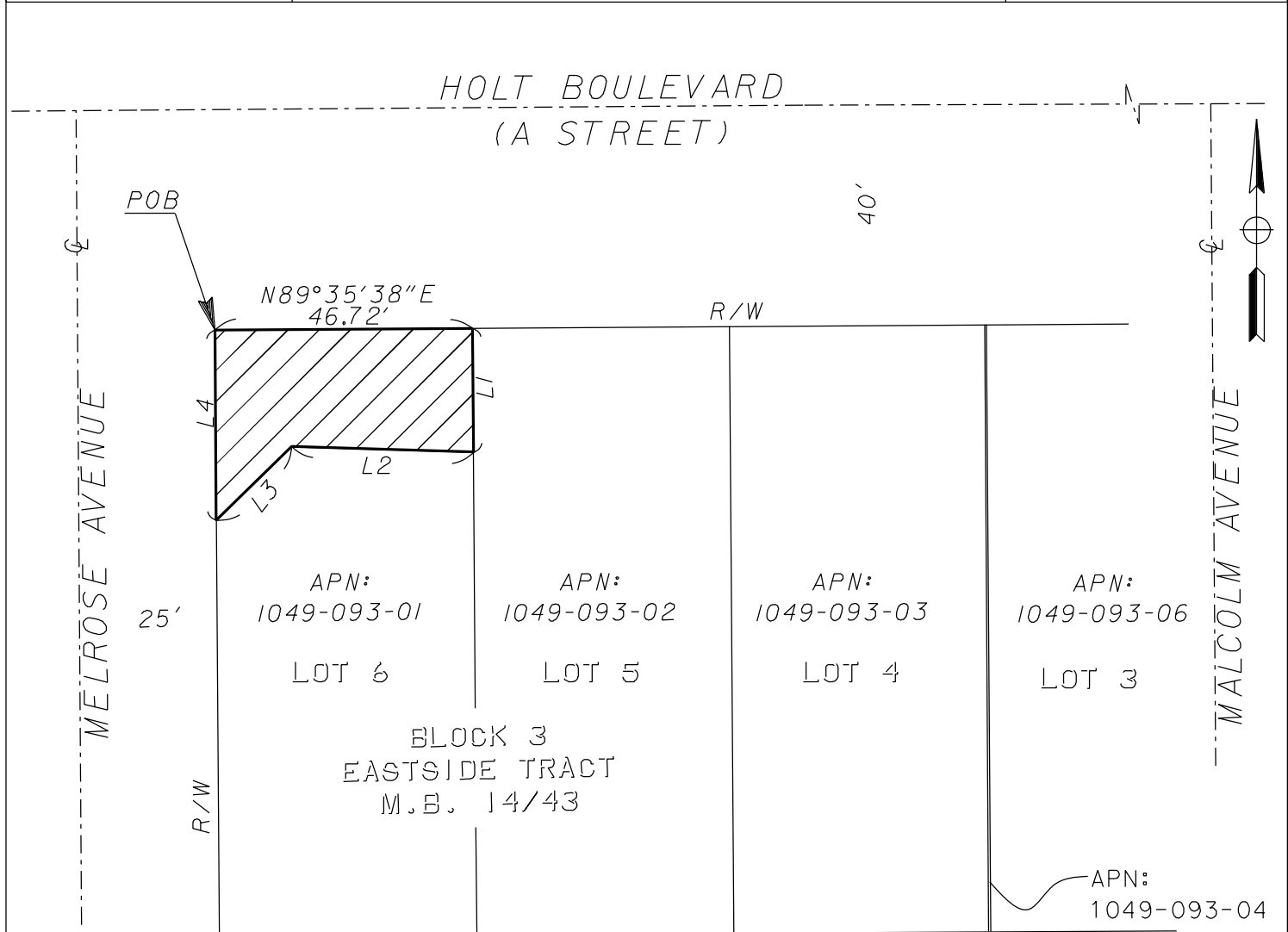
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-093-01	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,105 SF



LINE TABLE

NO.	BEARING	DISTANCE
L1	S00°23'51"E	22.49'
L2	N88°15'05"W	32.99'
L3	S45°35'44"W	19.13'
L4	N00°23'12"W	34.54'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

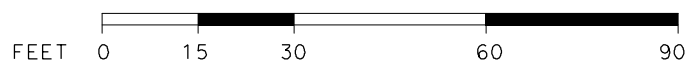
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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: 1049-093-01 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85707)		1845599.368	6669766.850	0.000
	N 89°35'38" E	46.72			
POT (	85713)		1845599.699	6669813.574	0.000
	S 0°23'51" E	22.49			
POT (	85710)		1845577.211	6669813.730	0.000
	N 88°15'05" W	32.99			
POT (	85709)		1845578.218	6669780.754	0.000
	S 45°35'44" W	19.13			
POT (	85708)		1845564.829	6669767.084	0.000
	N 0°23'12" W	34.54			
POT (	85707)		1845599.368	6669766.850	0.000

Northing Error: 0.002 ft
 Easting Error: 0.000 ft
 Closing Direction: S 8°39'51" W
 Closing Distance: 0.002 ft
 Closed Area: 1104.8 sq ft (0.0 ac)
 Perimeter: 155.880 ft
 Precision: 79081.680

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-093-01

Lot 6 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 6;

thence along the northerly line of said Lot 6 North $89^{\circ}35'38''$ East 46.72 feet to the northeasterly corner of said Lot 6;

thence along the easterly line of said Lot 6 South $00^{\circ}23'51''$ East 22.49 feet;

thence leaving said easterly line North $88^{\circ}15'05''$ West 32.99 feet;

thence South $45^{\circ}35'44''$ West 19.13 feet to the westerly line of said Lot 6;

thence along said westerly line North $00^{\circ}23'12''$ West 34.54 feet to the **Point of Beginning**.

Parcel contains 4,037 square feet, more or less.

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

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

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

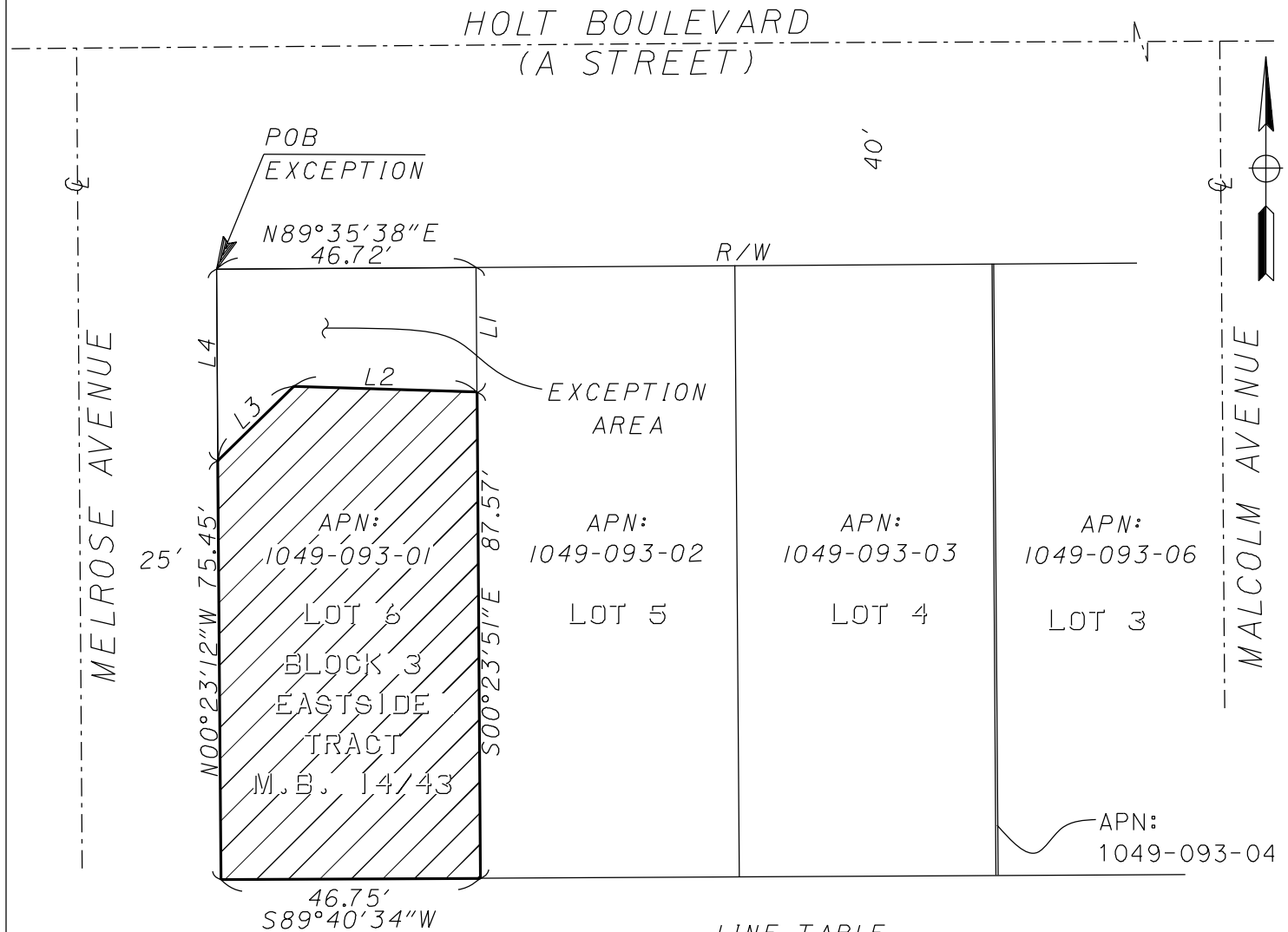
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-093-01	TEMPORARY CONSTRUCTION EASEMENT	4,037 SF



LINE TABLE

NO.	BEARING	DISTANCE
L1	S00°23'51"E	22.49'
L2	S88°15'05"E	32.99'
L3	N45°35'44"E	19.13'
L4	N00°23'12"W	34.54'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

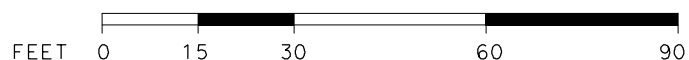
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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: 1049-093-01 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85710)		1845577.211	6669813.730	0.000
	S 0°23'51" E	87.57			
POT (	85711)		1845489.641	6669814.337	0.000
	S 89°40'34" W	46.75			
POT (	85712)		1845489.377	6669767.593	0.000
	N 0°23'12" W	75.45			
POT (	85708)		1845564.829	6669767.084	0.000
	N 45°35'44" E	19.13			
POT (	85709)		1845578.218	6669780.754	0.000
	S 88°15'05" E	32.99			
POT (	85710)		1845577.211	6669813.730	0.000

Northing Error: -0.005 ft
 Easting Error: -0.009 ft
 Closing Direction: N 62°25'44" E
 Closing Distance: 0.011 ft
 Closed Area: 4037.4 sq ft (0.1 ac)
 Perimeter: 261.898 ft
 Precision: 24587.394

RESOLUTION OF NECESSITY No. 22-133

**HOLT LPIV 3 LLC, A DELAWARE LIMITED
LIABILITY COMPANY
PROPERTY**

(APNS 0110-111-13 & 0110-111-14)

RESOLUTION NO. 22-133

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 0110-111-13 & 0110-111-14

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

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

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

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

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

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

WHEREAS, portions of the real property located at 1650 East Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 0110-111-13 and 0110-111-14 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 866 square foot temporary construction easement with a term of twenty four months on APN 0110-111-13 legally described and depicted in Exhibit "1" hereto, and an approximate 659 square foot temporary construction easement with a term of twenty-four months on APN 0110-111-14 legally described and depicted in Exhibit "2" hereto, consisting of (i) an approximate 258 square foot temporary construction easement area designated on Exhibit "2" as Parcel "A", (ii) an approximate 74 square foot temporary construction easement area designated on Exhibit "2" as Parcel "B", and (iii) an approximate 327 square foot temporary construction easement area designated on Exhibit "2" as Parcel "C" (collectively the

“Subject Property Interests”). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and

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

Section 4. Necessity.

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

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

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

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

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

- (a) The public interest and necessity require the Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and
- (d) The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

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

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

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

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

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

On September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, Board President
San Bernardino County Transportation Authority

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

EXHIBIT “1”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-13

Those portions of Lots 51 and 52 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, more particularly described as Parcel 1 of Lot Line Adjustment No. LLA 19-020 recorded October 26, 2020 as Document No. 2020-0410691 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Record of Survey 99-0117 filed in Book 113, Page 90 of Records of Survey in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 1,466.68 feet to the northerly prolongation of the easterly line of said Parcel 1;

thence along said northerly prolongation and said easterly line South 00°23'37" East 60.00 feet to the southerly line of the Easement Deed of Right-of-Way, recorded April 08, 2021 as Document No. 2021-0160951 of Official Records in the office of said County Recorder;

thence along said southerly line South 89°36'25" West 220.23 feet to the **True Point of Beginning**;

thence continuing along said southerly line South 89°36'25" West 40.00 feet;

thence leaving said southerly line South 00°27'45" East 21.66 feet;

thence North 89°36'06" East 40.00 feet;

thence North 00°27'53" West 21.65 feet to the **True Point of Beginning**.

Parcel contains 866 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).

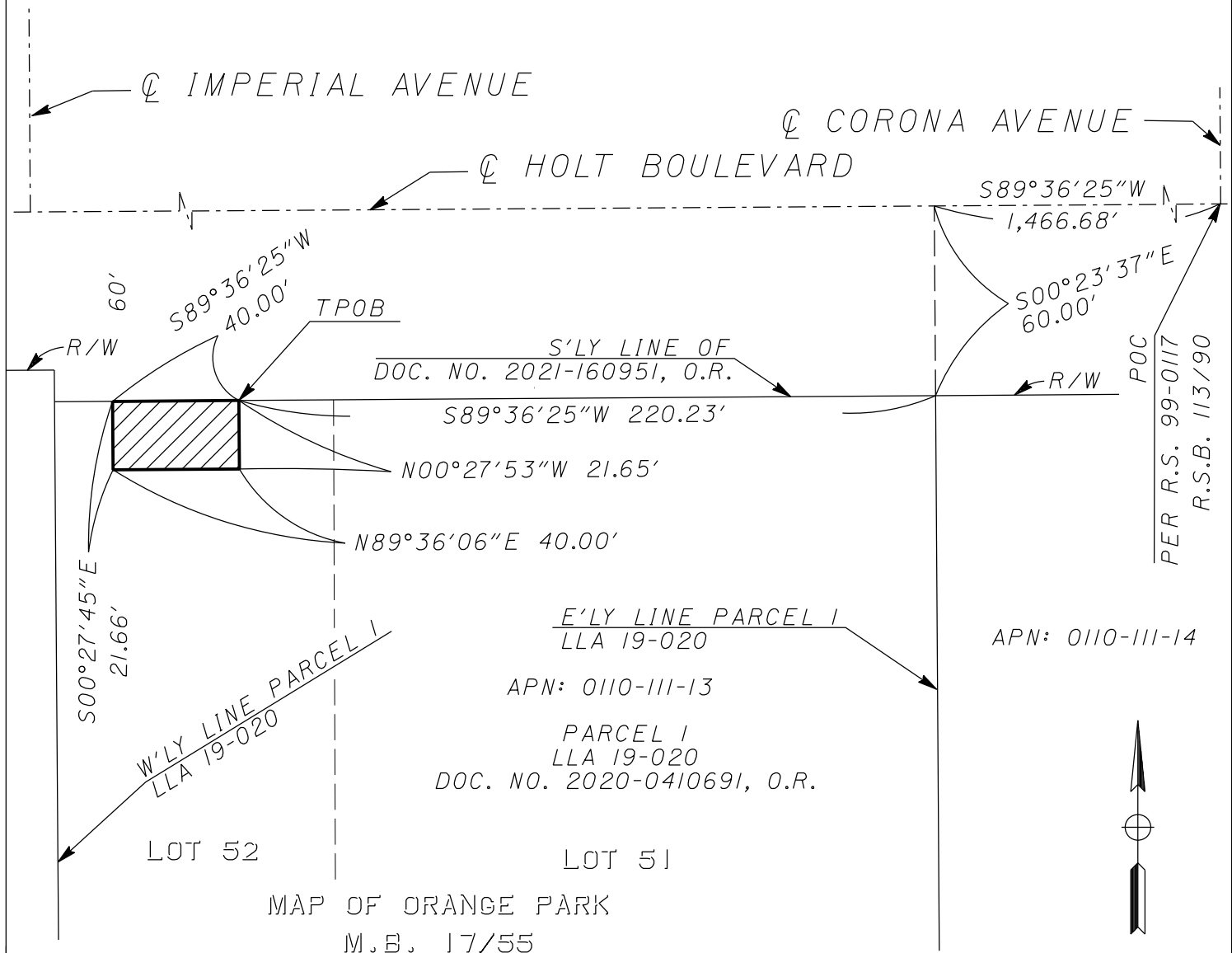
Signature: Tim R. Garcia
Tim R. Garcia, PLS 9146

Date: 04/15/2022



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-III-13	TEMPORARY CONSTRUCTION EASEMENT	866 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

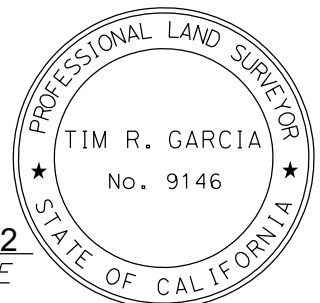
POC Point Of Commencement
 TPOB True Point of Beginning
 (R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Tim R. Garcia

04/15/2022

TIM R. GARCIA, PLS 9146 DATE



FEET 0 25 50 100 150

PREPARED BY:

PSOMAS

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

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-111-14

Those portions of Lot 50 and 51 of the Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, more particularly described as Parcel 2 of Lot Line Adjustment No. LLA 19-020 recorded October 26, 2020 as Document No. 2020-0410691 of Official Records in the office of said County Recorder, described as follows:

Parcel "A"

Commencing at the centerline intersection of Holt Boulevard and Corona Avenue as shown on Record of Survey 99-0117 filed in Book 113, Page 90 of Records of Survey in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°36'25" West 1,466.68 feet to the northerly prolongation of the westerly line of said Parcel 2;

thence leaving said centerline along said northerly prolongation and said westerly line South 00°23'37" East 60.00 feet to the southerly line of the Easement Deed of Right-of-Way, recorded April 08, 2021 as Document No. 2021-0160951 of Official Records in the office of said County Recorder;

thence along said southerly line North 89°36'25" East 17.50 feet to the **True Point of Beginning**;

thence continuing along said southerly line North 89°36'25" East 55.79 feet to a point hereinafter referred to as **"Point A"**;

thence leaving said southerly line South 00°23'54" East 4.63 feet;

thence South 89°36'06" West 55.79 feet;

thence North 00°23'06" West 4.63 feet to the **True Point of Beginning**.

Containing 258 square feet, more or less.

Parcel "B"

Commencing at the hereinabove described **"Point A"**;

thence along said southerly line of Document No. 2021-0160951 North 89°36'25" East 76.45 feet to the **True Point of Beginning**;

thence continuing along said southerly line North 89°36'25" East 16.00 feet to a point hereinafter referred to as **"Point B"**;

thence leaving said southerly line South 00°23'54" East 4.62 feet;

thence South 89°36'06" West 16.00 feet;

thence North 00°23'54" West 4.62 feet to the **True Point of Beginning**.

Containing 74 square feet, more or less.

Parcel "C"

Commencing at the hereinabove described **"Point B"**;

thence along said southerly line of Document No. 2021-0160951 North 89°36'25" East 59.83 feet to the **True Point of Beginning**;

thence continuing along said southerly line North 89°36'25" East 45.01 feet to the easterly line of said Parcel 2;

thence along said easterly line South 00°12'35" East 11.61 feet;

thence leaving said easterly line South 89°36'06" West 5.98 feet;

thence North 00°23'54" West 5.00 feet;

thence South 89°36'06" West 38.99 feet;

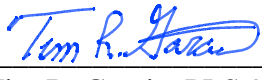
thence North 00°23'54" West 6.61 feet to the **True Point of Beginning**.

Containing 327 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.

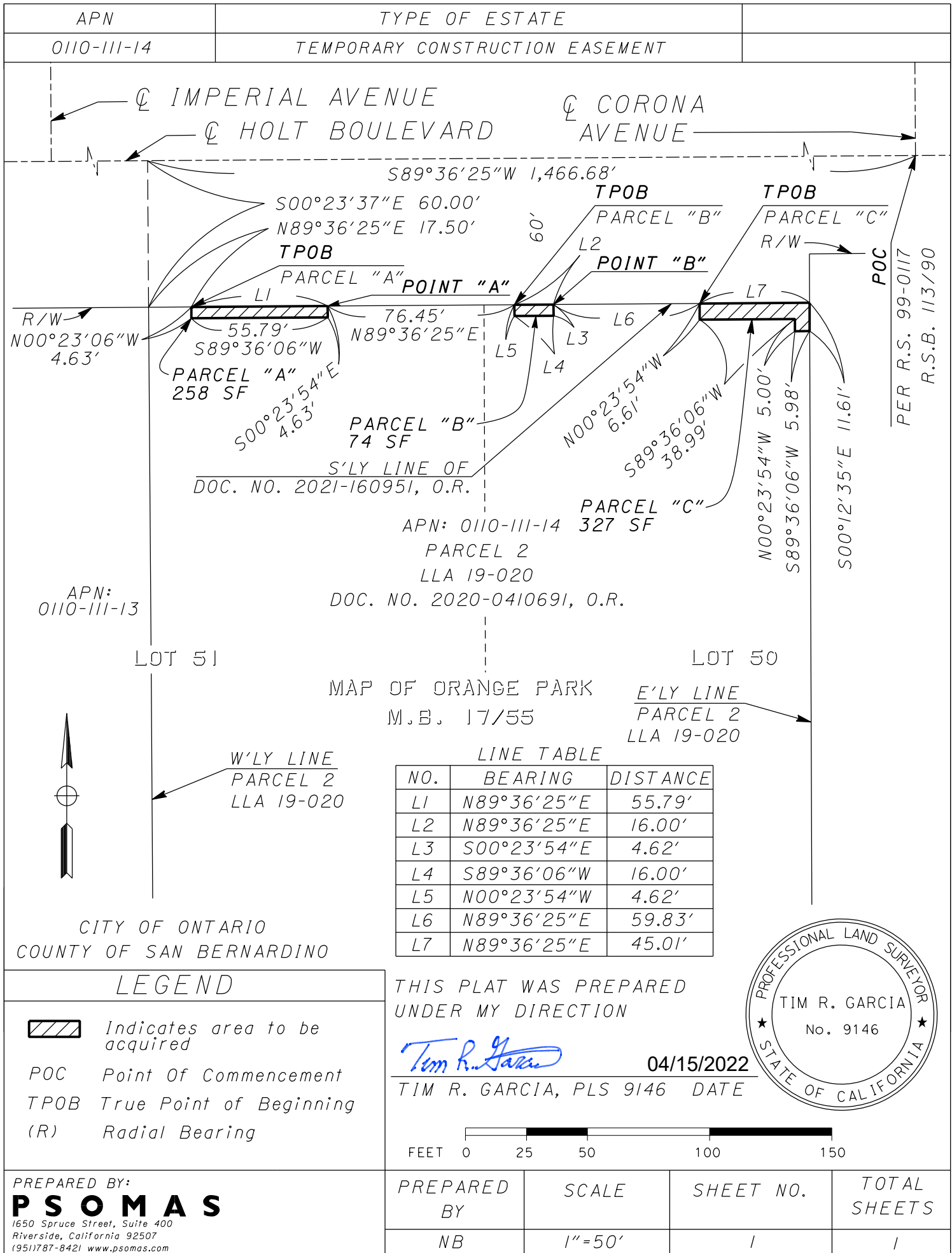
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: 
Tim R. Garcia, PLS 9146

Date: 04/15/2022



EXHIBIT B



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

RESOLUTION OF NECESSITY No. 22-145

**HOLT LPIV 8 LLC, A DELAWARE LIMITED
LIABILITY COMPANY PROPERTY**

(APNS 1049-131-13 & 1049-131-14)

RESOLUTION NO. 22-145

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. 1049-131-13 & 1049-131-14

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

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

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

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

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

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

WHEREAS, portions of the real property located at 1030-1042 ½ E. Holt Boulevard in the City of Ontario, California and identified as San Bernardino County Tax Assessor's Parcel Numbers 1049-131-13 and 1049-131-14 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,714 square foot permanent easement on APN 1049-131-13 legally described and depicted in Exhibit "1" hereto, an approximate 2,491 square foot temporary construction easement with a term of twenty-four months on APN 1049-131-13 legally described and depicted in Exhibit "2" hereto, an approximate 1,760 square foot permanent easement on APN 1049-131-14 legally described and depicted in Exhibit "3" hereto, and an approximate 981 square foot temporary construction easement with a term of twenty-four months on APN 1049-131-14 legally described and depicted on Exhibit "4" (collectively the "Subject Property Interests"). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-

income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

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

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

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

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit “1” through Exhibit “4” attached hereto and incorporated herein by reference.

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

(a) The public interest and necessity require the Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

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

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

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

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

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

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

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping

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

On September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, 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: 1049-131-13

The Northerly 17.13 feet of Lot 4, Bon View Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County.

Parcel contains 1,714 square feet, more or less.

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

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

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

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/1/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-131-13	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,714 SF

HOLT BOULEVARD
 (A STREET)

S89°37'31"W
 341.25'

60'

40'

R/W

9.00' WIDE PUE TO
 SCE PER DOC. NO.
 2002-0638332, O.R.

100.05'

17.13'

6.00' WIDE PUE TO
 VERIZON CALIFORNIA INC.
 PER DOC. NO.
 2002-0668124, O.R.

BON VIEW TRACT M.B. 18/24

APN:
 1049-131-20

LOT 5

APN:
 1049-131-13

LOT 4

APN:
 1049-131-14

LOT 3

CUCAMONGA AVENUE

CITY OF ONTARIO
 COUNTY OF SAN BERNARDINO

LEGEND

Indicates area to be acquired

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

THIS PLAT WAS PREPARED
 UNDER MY DIRECTION

Teri Kahlen 6/1/2021
 TERE KAHLEN, PLS 8746 DATE

PROFESSIONAL LAND SURVEYOR
 TERE KAHLEN
 No. 8746
 STATE OF CALIFORNIA

FEET 0 25 50 100 150

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

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

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-13 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85233)		1845619.89	6672799.22	0.00
	S 0°24'01" E	17.13			
PI (	85232)		1845602.76	6672799.34	0.00
	S 89°37'31" W	100.05			
PI (	65310)		1845602.11	6672699.30	0.00
	N 0°24'01" W	17.13			
PI (	65309)		1845619.24	6672699.18	0.00
	N 89°37'31" E	100.05			
POE (	85233)		1845619.89	6672799.22	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 0°00'00" E
 Closing Distance: 0.00 ft
 Closed Area: 1713.59 sq ft (0.04 ac)
 Perimeter: 234.35 ft
 Precision: 1e+.40

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-131-13

That portion of Lot 4, Bon View Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the northeasterly corner of said Lot 4;

thence along the easterly line of said Lot 4 South 00°24'01" East 17.13 feet to the **True Point of Beginning**;

thence continuing along said easterly line South 00°24'01" East 9.95 feet;

thence leaving said easterly line South 89°36'55" West 33.60 feet;

thence South 00°23'05" East 30.00 feet;

thence South 89°36'55" West 48.00 feet;

thence North 00°23'05" West 27.00 feet;

thence South 89°36'55" West 18.45 feet to the westerly line of said Lot 4;

thence along said westerly line North 00°24'01" West 12.96 feet;

thence leaving said westerly line North 89°37'31" East 100.05 feet to the **True Point of Beginning**.

Parcel contains 2,491 square feet, more or less.

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

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

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

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/2/2021

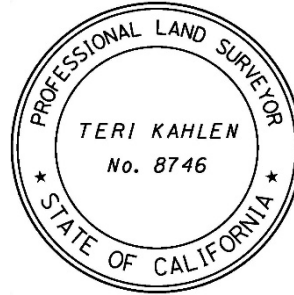
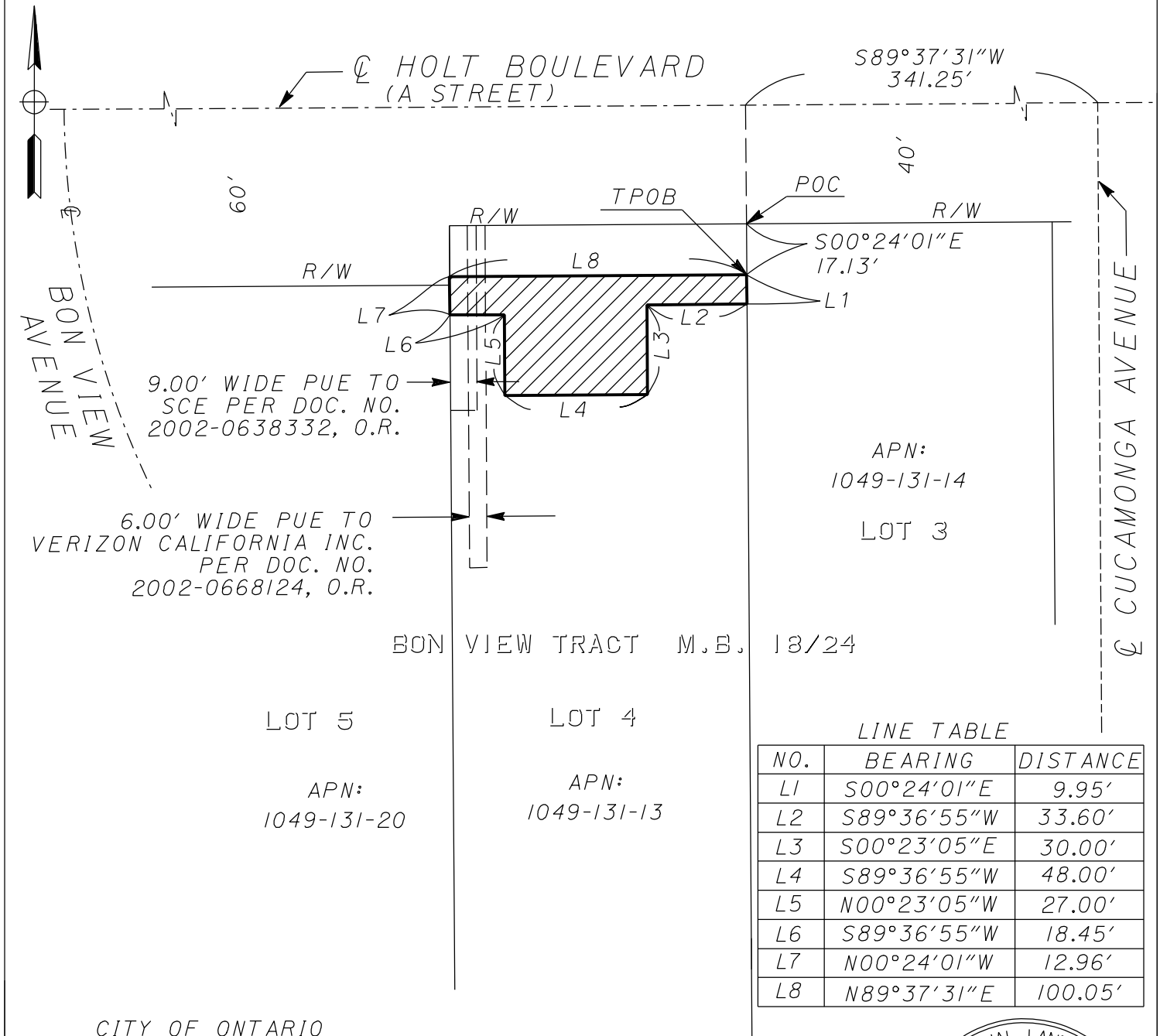


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-131-13	TEMPORARY CONSTRUCTION EASEMENT	2,491 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

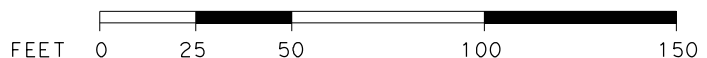
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/2/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

JS

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-13 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85232)		1845602.76	6672799.34	0.00
	S 0°24'01" E	9.95			
PI (	65317)		1845592.82	6672799.41	0.00
	S 89°36'55" W	33.60			
PI (	65316)		1845592.59	6672765.81	0.00
	S 0°23'05" E	30.00			
PI (	65315)		1845562.59	6672766.01	0.00
	S 89°36'55" W	48.00			
PI (	65314)		1845562.27	6672718.01	0.00
	N 0°23'05" W	27.00			
PI (	65313)		1845589.27	6672717.83	0.00
	S 89°36'55" W	18.45			
PI (	65311)		1845589.14	6672699.39	0.00
	N 0°24'01" W	12.96			
PI (	65310)		1845602.11	6672699.30	0.00
	N 89°37'31" E	100.05			
POE (	85232)		1845602.76	6672799.34	0.00

Northing Error: -0.01 ft
 Easting Error: -0.00 ft
 Closing Direction: N 5°52'36" E
 Closing Distance: 0.01 ft
 Closed Area: 2491.44 sq ft (0.06 ac)
 Perimeter: 280.01 ft
 Precision: 37300.30

EXHIBIT “3”

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

APN: 1049-131-14

That portion of Lot 3 of the Bon View Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County, described in a Grant Deed recorded July 26, 2000 as Document No. 2000-264962, Official Records of said County Recorder, lying northerly of the following described line:

Commencing at the centerline intersection of Virginia Avenue and Holt Boulevard, as shown on Parcel Map No. 9337, as per map filed in Book 114, Pages 96 and 97 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}37'31''$ West 585.52 feet to the northerly prolongation of the easterly line of said Lot 3;

thence leaving said centerline along said prolongation and said easterly line South $00^{\circ}24'01''$ East 57.13 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}37'31''$ West 102.75 feet to the westerly line of said Lot 3.

Containing 1,760 square feet, more or less.

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

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

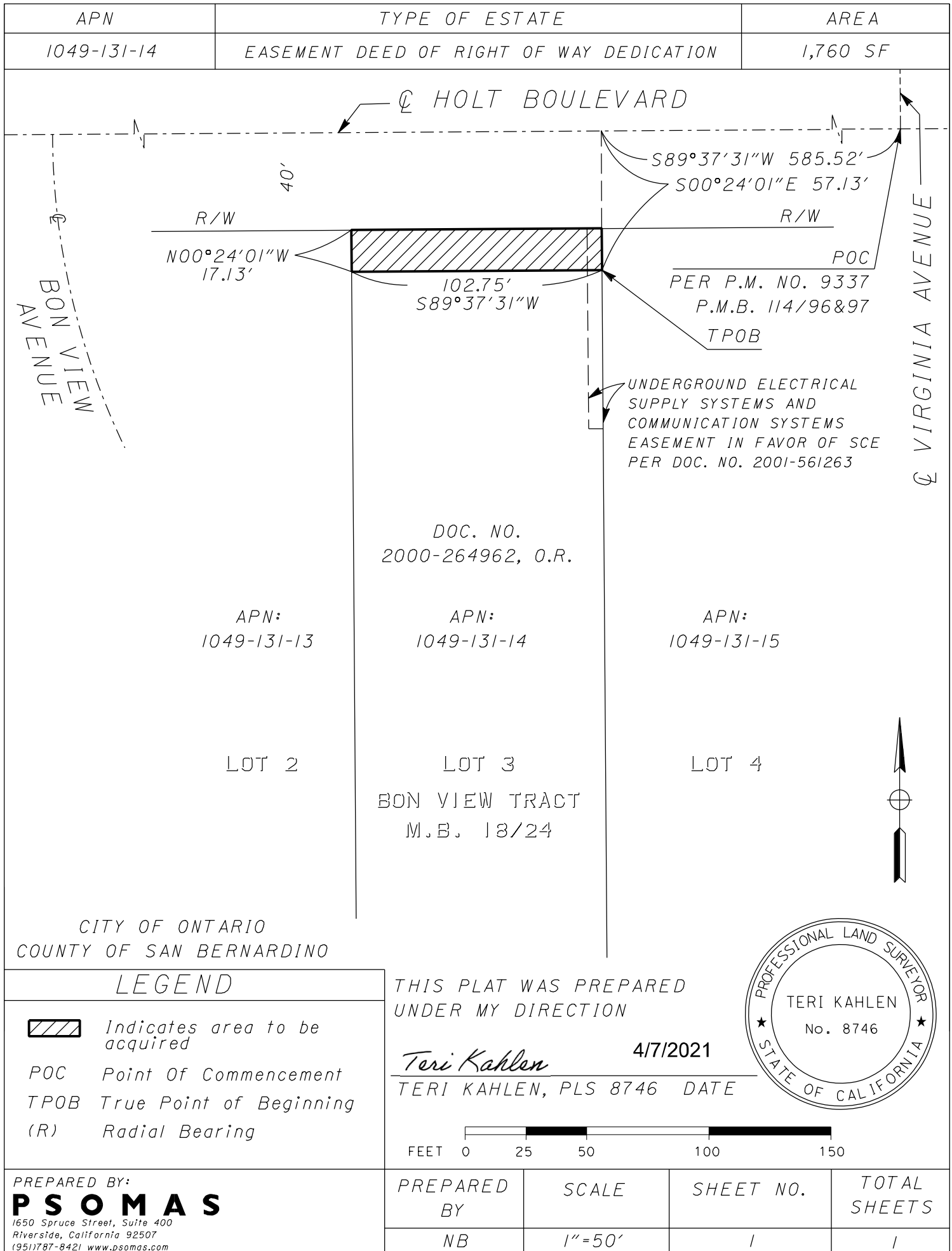
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 4/7/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-131-14 ROW Esmt Area
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85231)		1845603.435	6672902.094	0.000
	S 89°37'31" W	102.75			
POT (	85232)		1845602.763	6672799.343	0.000
	N 0°24'01" W	17.13			
POT (	85233)		1845619.890	6672799.223	0.000
	N 89°37'31" E	102.75			
POT (	85234)		1845620.562	6672901.975	0.000
	S 0°24'01" E	17.13			
POT (	85231)		1845603.435	6672902.094	0.000

Northing Error: 0.000 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°00'00" E
 Closing Distance: 0.000 ft
 Closed Area: 1759.9 sq ft (0.0 ac)
 Perimeter: 239.762 ft
 Precision: 1e.+41

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-131-14

That portion of Lot 3 of the Bon View Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County, described in a Grant Deed recorded July 26, 2000 as Document No. 2000-264962, Official Records of said County Recorder, described as follows:

Commencing at the centerline intersection of Virginia Avenue and Holt Boulevard, as shown on Parcel Map No. 9337, as per map filed in Book 114, Pages 96 and 97 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South $89^{\circ}37'31''$ West 585.52 feet to the northerly prolongation of the easterly line of said Lot 3;

thence leaving said centerline along said prolongation and said easterly line South $00^{\circ}24'01''$ East 57.13 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}37'31''$ West 102.75 feet to the westerly line of said Lot 3;

thence along said westerly line South $00^{\circ}24'01''$ East 7.95 feet;

thence leaving said westerly line North $89^{\circ}36'55''$ East 19.92 feet;

thence South $00^{\circ}23'05''$ East 11.00 feet;

thence North $89^{\circ}36'55''$ East 15.00 feet;

thence North $00^{\circ}23'05''$ West 11.00 feet;

thence North $89^{\circ}36'55''$ East 67.83 feet to the easterly line of said Lot 3;

thence along said easterly line North $00^{\circ}24'01''$ West 7.93 feet to the **True Point of Beginning**.

Containing 981 square feet, more or less.

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

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

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

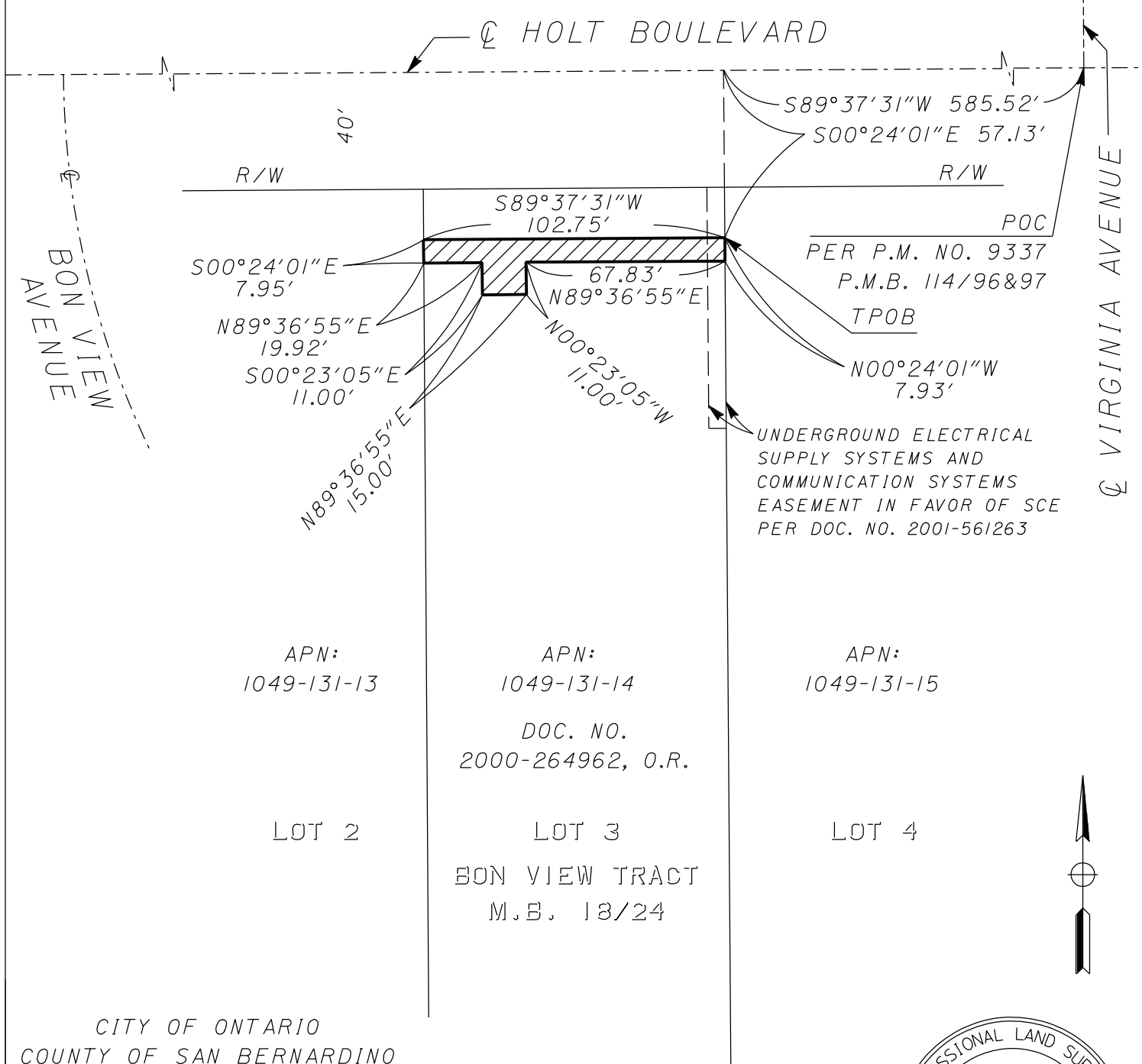
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 8/10/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-131-14	TEMPORARY CONSTRUCTION EASEMENT	981 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

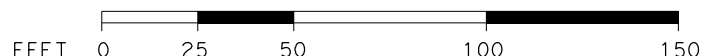
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

8/10/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

NB

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-14 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85231)		1845603.435	6672902.094	0.000
	S 89°37'31" W	102.75			
POT (	85232)		1845602.763	6672799.343	0.000
	S 0°24'01" E	7.95			
POT (	85235)		1845594.816	6672799.399	0.000
	N 89°36'55" E	19.92			
POT (	85236)		1845594.950	6672819.323	0.000
	S 0°23'05" E	11.00			
POT (	85237)		1845583.950	6672819.397	0.000
	N 89°36'55" E	15.00			
POT (	85238)		1845584.051	6672834.396	0.000
	N 0°23'05" W	11.00			
POT (	85239)		1845595.050	6672834.322	0.000
	N 89°36'55" E	67.83			
POT (	85240)		1845595.506	6672902.150	0.000
	N 0°24'01" W	7.93			
POT (	85231)		1845603.435	6672902.094	0.000

Northing Error: -0.002 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°34'43" W
 Closing Distance: 0.002 ft
 Closed Area: 980.7 sq ft (0.0 ac)
 Perimeter: 243.383 ft
 Precision: 117759.594

RESOLUTION OF NECESSITY No. 22-067

**415 VINEYARD LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY PROPERTY
(APNs 0110-072-08 & 0110-072-09)**

RESOLUTION NO. 22-067

**A RESOLUTION OF THE SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY FINDING AND DETERMINING
THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN
REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND
DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S
PARCEL NOS. 0110-072-08 & 0110-072-09**

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

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

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

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

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

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

WHEREAS, portions of the real property located at 1511 E. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Numbers 0110-072-08 and 0110-072-09 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 127 square foot permanent easement on APN 0110-072-08 legally described and depicted in Exhibit “1” hereto, an approximate 1,928 square foot temporary construction easement with a term of twenty-four months from APN 0110-072-08 legally described and depicted in Exhibit “2” hereto, an approximate 129 square foot permanent easement on APN 0110-072-09 legally described and depicted in Exhibit “3” hereto, and an approximate 2,000 square foot temporary construction easement with a term of twenty-four months on APN 0110-072-09 legally described and depicted in Exhibit “4” hereto (collectively the “Subject Property Interests”). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

(c) The Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-

income, and/or transit dependent. The Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the Project would provide such a service. The Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

Section 4. Necessity.

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

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

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

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit “1” through Exhibit “4” attached hereto and incorporated herein by reference.

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

(a) The public interest and necessity require the Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

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

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

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

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

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

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

The Board further found that the benefits of the Project outweigh the unavoidable environmental impacts. The Board emphasized that the Project (under the approved Alternative B alternative) has significant benefits including, improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The Project is consistent with several regional and local land-use plans, including helping

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

On September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, Board President
San Bernardino County Transportation Authority

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

EXHIBIT “1”

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

APN: 0110-072-08

That portion of Lot 36, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 1 in the Grant Deed recorded November 18, 2015 as Document No. 2015-0503193 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue, as shown on Parcel Map No. 159 filed in Book 2, Page 47 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard North 89°36'25" East 381.24 feet to the southerly prolongation of the westerly line of said Parcel 1;

thence North 00°18'24" West 50.00 feet along said southerly prolongation and said westerly line to the **True Point of Beginning**;

thence continuing along said westerly line North 00°18'24" West 1.01 feet;

thence leaving said westerly line North 89°36'06" East 124.98 feet to the easterly line of said Parcel 1;

thence along said easterly line South 00°17'26" East 1.02 feet to the southerly line of said Parcel 1;

thence along said southerly line South 89°36'25" West 124.98 feet to the **True Point of Beginning**.

Parcel contains 127 square feet, more or less.

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

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

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

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 4/7/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-072-08	EASEMENT DEED OF RIGHT OF WAY DEDICATION	127 SF

IMPERIAL AVENUE

APN:0110-072-11

40'

POC
PER P.M. NO. 159
P.M.B. 2/47

POR OF LOT 36
MAP OF ORANGE PARK
M.B. 17/55

PARCEL 1
APN:0110-072-08

DOC. NO.
2015-0503193, O.R.

PARCEL 2
APN:0110-072-09

5' WIDE SEWER, DRAINAGE AND
PUE TO THE CITY OF ONTARIO
REC. 5/28/1969 PER BK 7240, PG 663, O.R.

PUE TO SCE PER
INST. NO. 80-116413, O.R.

N00°18'24"W 1.01'

N89°36'06"E 124.98'

S00°17'26"E 1.02'

S89°36'25"W 124.98'

N00°18'24"W 50.00'


N89°36'25"E 381.24'

50'

CL HOLT BOULEVARD

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

CORONA AVENUE

LEGEND		THIS PLAT WAS PREPARED UNDER MY DIRECTION	
	Indicates area to be acquired	<u>Teri Kahlen</u>	4/7/2021
POC	Point Of Commencement	TERI KAHLEN, PLS 8746 DATE	
TPOB	True Point of Beginning	NOT TO SCALE	
(R)	Radial Bearing		

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



Map Check Report

Project: WVC - OC
 Alignment: 0110-072-08 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65149)		1845733.71	6676284.62	0.00
	N 0°18'24" W	1.01			
PI (	65150)		1845734.72	6676284.61	0.00
	N 89°36'06" E	124.98			
PI (	65157)		1845735.59	6676409.59	0.00
	S 0°17'26" E	1.02			
PI (	65158)		1845734.56	6676409.59	0.00
	S 89°36'25" W	124.98			
POE (	65149)		1845733.71	6676284.62	0.00

Northing Error: 0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: S 11°41'48" E
 Closing Distance: 0.00 ft
 Closed Area: 127.13 sq ft (0.00 ac)
 Perimeter: 252.00 ft
 Precision: 163322.75

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-072-08

That portion of Lot 36, Map of Orange Park, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 17, Page 55 of Maps in the office of the County Recorder of said County, described as Parcel 1 in the Grant Deed recorded November 18, 2015 as Document No. 2015-0503193 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue, as shown on Parcel Map No. 159 filed in Book 2, Page 47 of Parcel Maps in the office of said County Recorder;

thence along said centerline of Holt Boulevard North 89°36'25" East 381.24 feet to the southerly prolongation of the westerly line of said Parcel 1;

thence North 00°18'24" West 51.01 feet along said southerly prolongation and said westerly line to the **True Point of Beginning**;

thence leaving said westerly line North 89°36'06" East 124.98 feet to the easterly line of said Parcel 1;

thence along said easterly line North 00°17'26" West 11.00 feet;

thence leaving said easterly line South 89°36'06" West 79.45 feet;

thence North 00°23'54" West 14.00 feet;

thence South 89°36'06" West 40.60 feet;

thence South 00°23'54" East 17.00 feet;

thence South 89°36'06" West 4.94 feet to said westerly line;

thence along said westerly line South 00°18'24" East 8.00 feet to the **True Point of Beginning**.

Parcel contains 1,928 square feet, more or less.

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

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

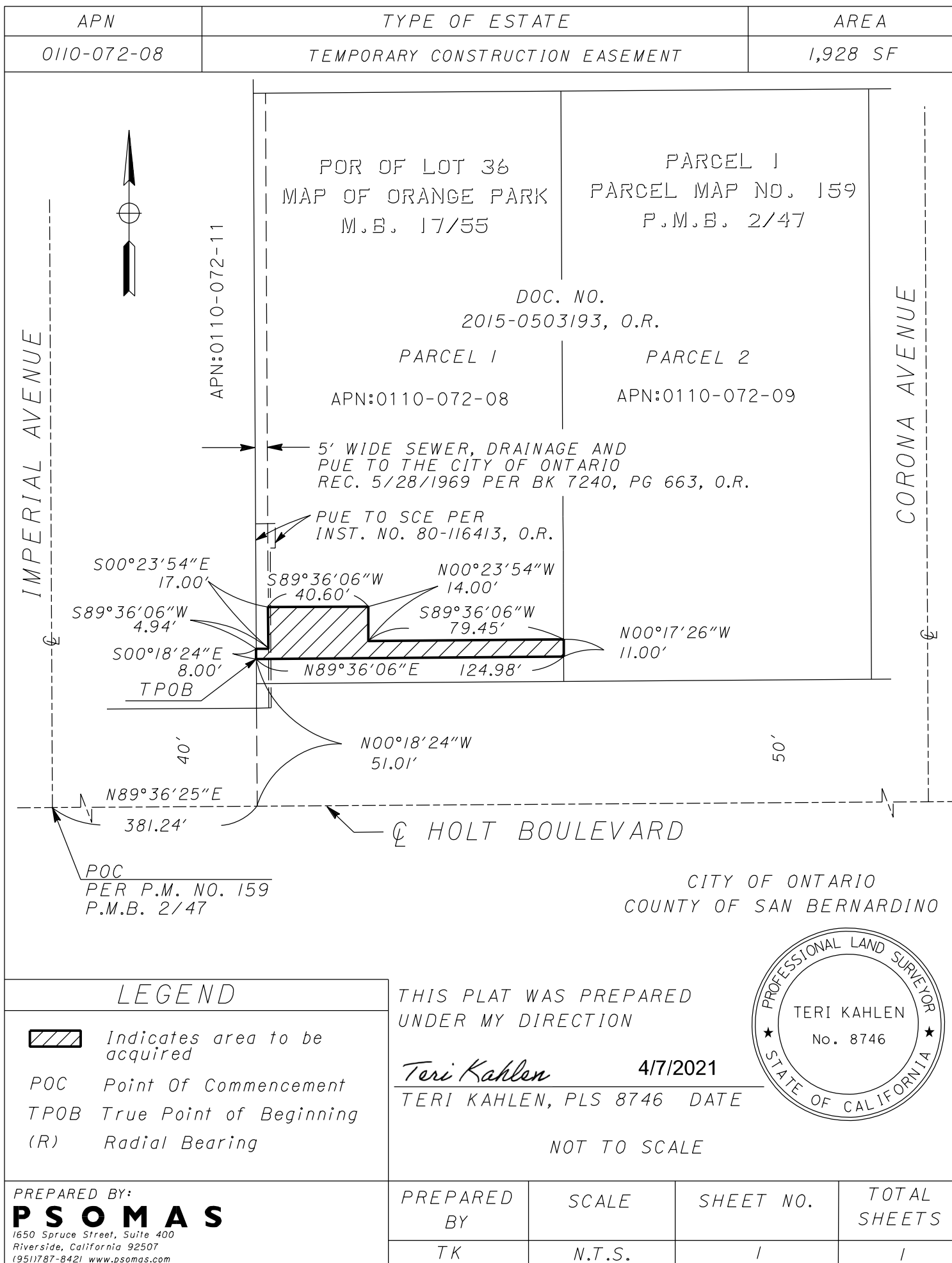
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 4/7/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0110-072-08 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65150)		1845734.72	6676284.61	0.00
	N 89°36'06" E	124.98			
PI (	65157)		1845735.59	6676409.59	0.00
	N 0°17'26" W	11.00			
PI (	65156)		1845746.59	6676409.53	0.00
	S 89°36'06" W	79.45			
PI (	65155)		1845746.04	6676330.09	0.00
	N 0°23'54" W	14.00			
PI (	65154)		1845760.03	6676329.99	0.00
	S 89°36'06" W	40.60			
PI (	65153)		1845759.75	6676289.39	0.00
	S 0°23'54" E	17.00			
PI (	65152)		1845742.75	6676289.51	0.00
	S 89°36'06" W	4.94			
PI (	65151)		1845742.72	6676284.57	0.00
	S 0°18'24" E	8.00			
POE (	65150)		1845734.72	6676284.61	0.00

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 89°21'03" E
 Closing Distance: 0.00 ft
 Closed Area: 1928.43 sq ft (0.04 ac)
 Perimeter: 299.97 ft
 Precision: 142350.67

EXHIBIT “3”

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

APN: 0110-072-09

That portion of Parcel 1 of Parcel Map No. 159, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 2, Page 47 of Parcel Maps in the office of the County Recorder of said County, described as follows:

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

thence along the centerline of said Holt Boulevard North $89^{\circ}36'25''$ East 631.18 feet to the southerly prolongation of the easterly line of said Parcel 1;

thence leaving said centerline along said southerly prolongation North $00^{\circ}16'29''$ West 50.00 feet to the southeasterly corner of said Parcel 1 and the **True Point of Beginning**;

thence along said easterly line North $00^{\circ}16'29''$ West 1.03 feet;

thence leaving said easterly line South $89^{\circ}36'06''$ West 124.98 feet to the westerly line of said Parcel 1;

thence along said westerly line South $00^{\circ}17'26''$ East 1.02 feet to the southeasterly corner of said Parcel 1;

thence along the southerly line of said Parcel 1 North $89^{\circ}36'25''$ East 124.98 feet to the **True Point of Beginning**.

Containing 129 square feet, more or less.

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

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

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

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/27/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-072-09	EASEMENT DEED OF RIGHT OF WAY DEDICATION	129 SF

PARCEL 1
PARCEL MAP NO. 159
P.M.B. 2/47

APN: 0110-072-09

EASEMENT FOR SEWER, DRAINAGE,
AND PUBLIC UTILITIES TO THE CITY
OF ONTARIO RECORDED MAY 28, 1969
IN BOOK 7240, PAGE 663, O.R.

APN: 0110-072-08

IMPERIAL AVENUE

APN: 0110-072-16

CORONA AVENUE

500°17'26"E 1.02'

S89°36'06"W 124.98'

N89°36'25"E 124.98'

N00°16'29"W 1.03'

N00°16'29"W 50.00'

N89°36'25"E 631.18'

50'

POC

PER P.M. NO. 159
P.M.B. 2/47

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 5/27/2021

TERI KAHLEN, PLS 8746 DATE

FEET 0 15 30 60 90

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

Map Check Report

Project: WVC - OC
 Alignment: 0110-072-09 ROW Esmt
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85216)		1845735.422	6676534.574	0.000
	N 0°16'29" W	1.03			
POT (	85217)		1845736.456	6676534.569	0.000
	S 89°36'06" W	124.98			
POT (	65157)		1845735.588	6676409.589	0.000
	S 0°17'26" E	1.02			
POT (	65158)		1845734.565	6676409.595	0.000
	N 89°36'25" E	124.98			
POT (	85216)		1845735.422	6676534.574	0.000

Northing Error: -0.002 ft
 Easting Error: 0.000 ft
 Closing Direction: N 11°43'09" W
 Closing Distance: 0.002 ft
 Closed Area: 128.5 sq ft (0.0 ac)
 Perimeter: 252.021 ft
 Precision: 163314.275

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-072-09

That portion of Parcel 1 of Parcel Map No. 159, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 2, Page 47 of Parcel Maps in the office of the County Recorder of said County, described as follows:

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

thence along the centerline of said Holt Boulevard North $89^{\circ}36'25''$ East 631.18 feet to the southerly prolongation of the easterly line of said Parcel 1;

thence leaving said centerline along said southerly prolongation and said easterly line North $00^{\circ}16'29''$ West 51.03 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}36'06''$ West 124.98 feet to the westerly line of said Parcel 1;

thence along said westerly line North $00^{\circ}17'26''$ West 16.00 feet;

thence leaving said westerly line North $89^{\circ}36'06''$ East 124.99 feet to said easterly line;

thence along said easterly line South $00^{\circ}16'29''$ East 16.00 feet to the **True Point of Beginning**.

Containing 2,000 square feet, more or less.

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

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

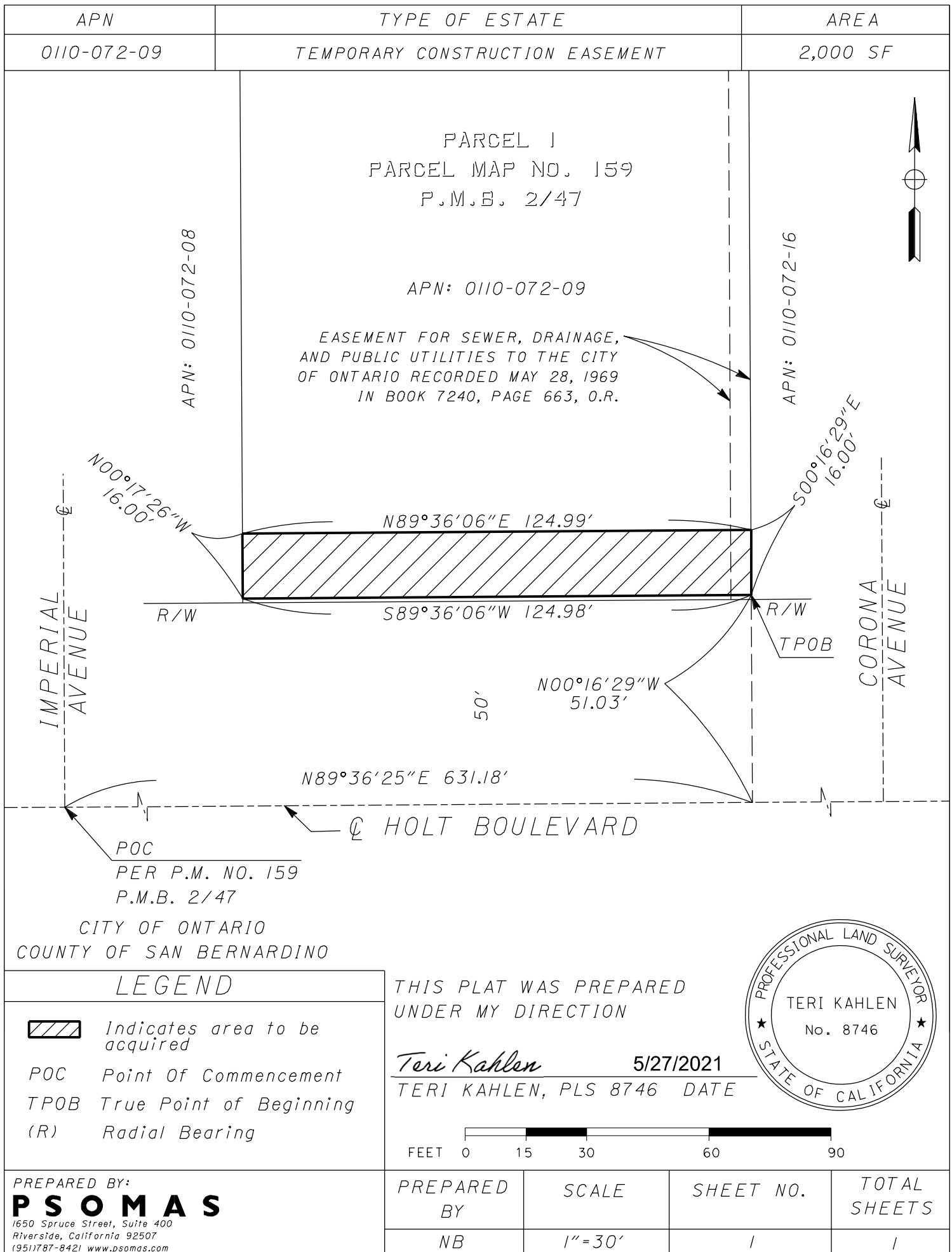
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 5/27/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 0110-072-09 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85217)		1845736.456	6676534.569	0.000
	S 89°36'06" W	124.98			
POT (	65157)		1845735.588	6676409.589	0.000
	N 0°17'26" W	16.00			
POT (	85218)		1845751.587	6676409.508	0.000
	N 89°36'06" E	124.99			
POT (	85409)		1845752.456	6676534.492	0.000
	S 0°16'29" E	16.00			
POT (	85217)		1845736.456	6676534.569	0.000

Northing Error: 0.000 ft
 Easting Error: 0.006 ft
 Closing Direction: S 89°30'36" W
 Closing Distance: 0.006 ft
 Closed Area: 1999.8 sq ft (0.0 ac)
 Perimeter: 281.969 ft
 Precision: 50545.700

RESOLUTION OF NECESSITY No. 23-013
ARUSTEMI FAMILY REVOCABLE LIVING
TRUST PROPERTY
(APN 1049-101-10)

RESOLUTION NO. 23-013

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-101-10

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 756 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-101-10 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,272 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 488 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”). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 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 September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, 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: 1049-101-10

The northerly 23.75 feet of that portion of Lot 8 of the Map of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on the map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County and more particularly described in the Quitclaim Deed recorded January 22, 1997 as Document No. 1997-0022270 of Official Records in the office of the County Recorder of said County.

Containing 1,272 square feet, more or less.

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

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

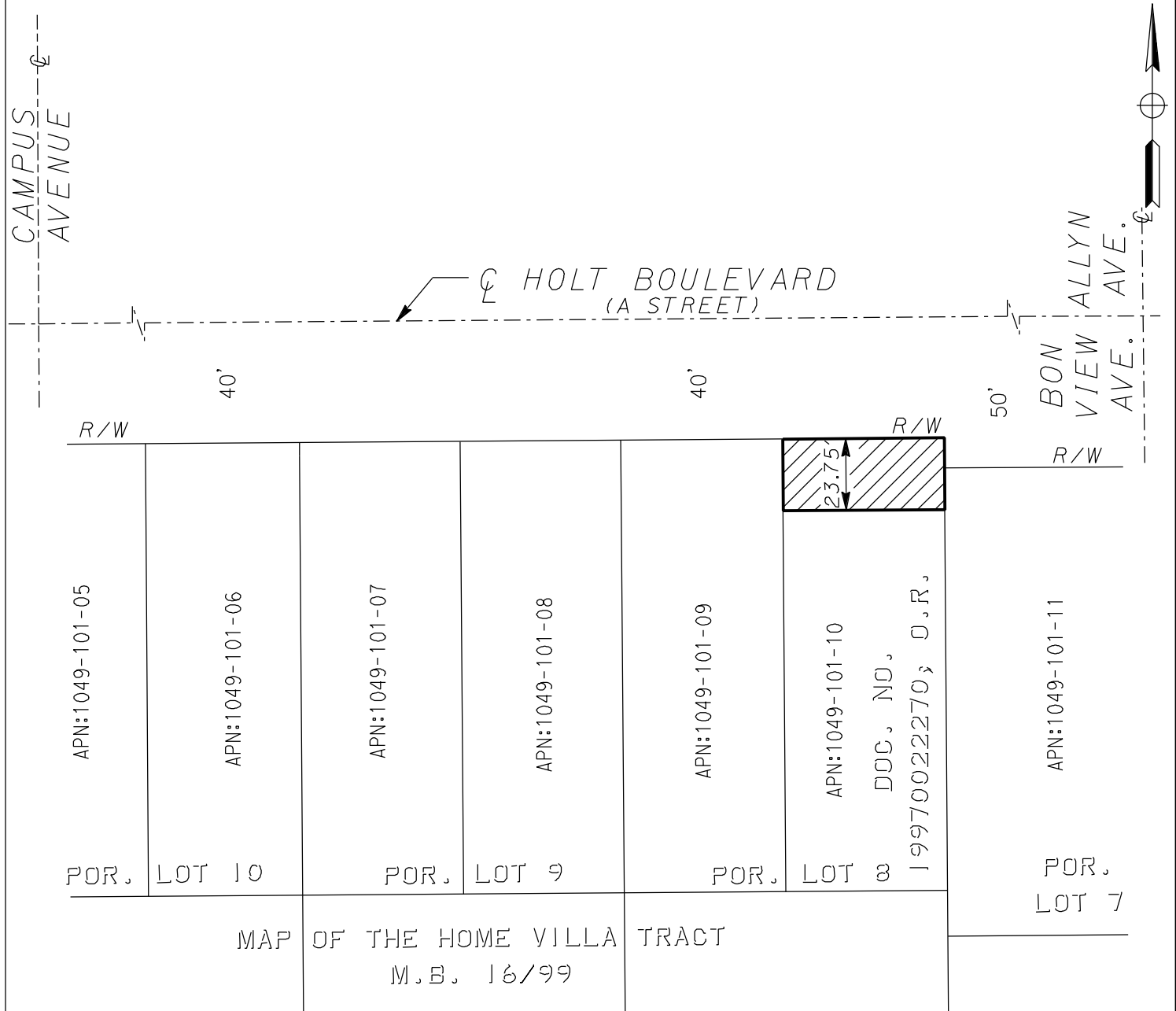
Signature: _____
Teri Kahlen, PLS 8746

Date: _____



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-101-10	EASEMENT DEED FOR RIGHT OF WAY DEDICATION	1,272 SF



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

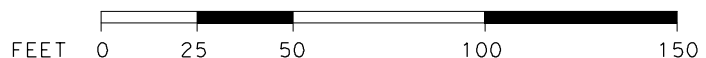
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

3/11/2021

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: 1049-101-10 ROW
 Description: ROW ESMT PCL

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (100080)			1845606.33	6670859.88	0.00
	S 0°24'49" E	23.75			
PI (100082)			1845582.58	6670860.05	0.00
	N 89°33'59" E	53.56			
PI (100083)			1845582.98	6670913.61	0.00
	N 0°24'49" W	23.75			
PI (100081)			1845606.73	6670913.44	0.00
	S 89°33'59" W	53.56			
POE (100080)			1845606.33	6670859.88	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 0°00'00" E
 Closing Distance: 0.00 ft
 Closed Area: 1272 sq ft (0 ac)
 Perimeter: 154.62 ft
 Precision: 1e+.40

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-10

That portion of Lot 8 of the Map of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on the map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County and more particularly described in the Quitclaim Deed recorded January 22, 1997 as Document No. 1997-0022270 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the northwesterly corner of the land described in said Quitclaim Deed;

thence along the westerly line of said land South 00°24'49" East 23.75 feet to the **True Point of Beginning** and the intersection of said westerly line with a line lying 23.75 feet southerly of and parallel with the northerly line of said Lot 8;

thence along said parallel line North 89°33'59" East 53.56 feet to the easterly line of said Lot 8;

thence leaving said parallel line and along said easterly line South 00°24'49" East 20.00 feet;

thence leaving said easterly line South 89°36'55" West 7.44 feet;

thence North 00°23'05" West 13.37 feet;

thence South 89°52'31" West 33.06 feet;

thence South 00°23'05" East 3.02 feet;

thence South 89°36'55" West 13.06 feet to said westerly line;

thence along said westerly line North 00°24'49" West 9.45 feet to the **True Point of Beginning**.

Containing 488 square feet, more or less.

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

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

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

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/11/2021

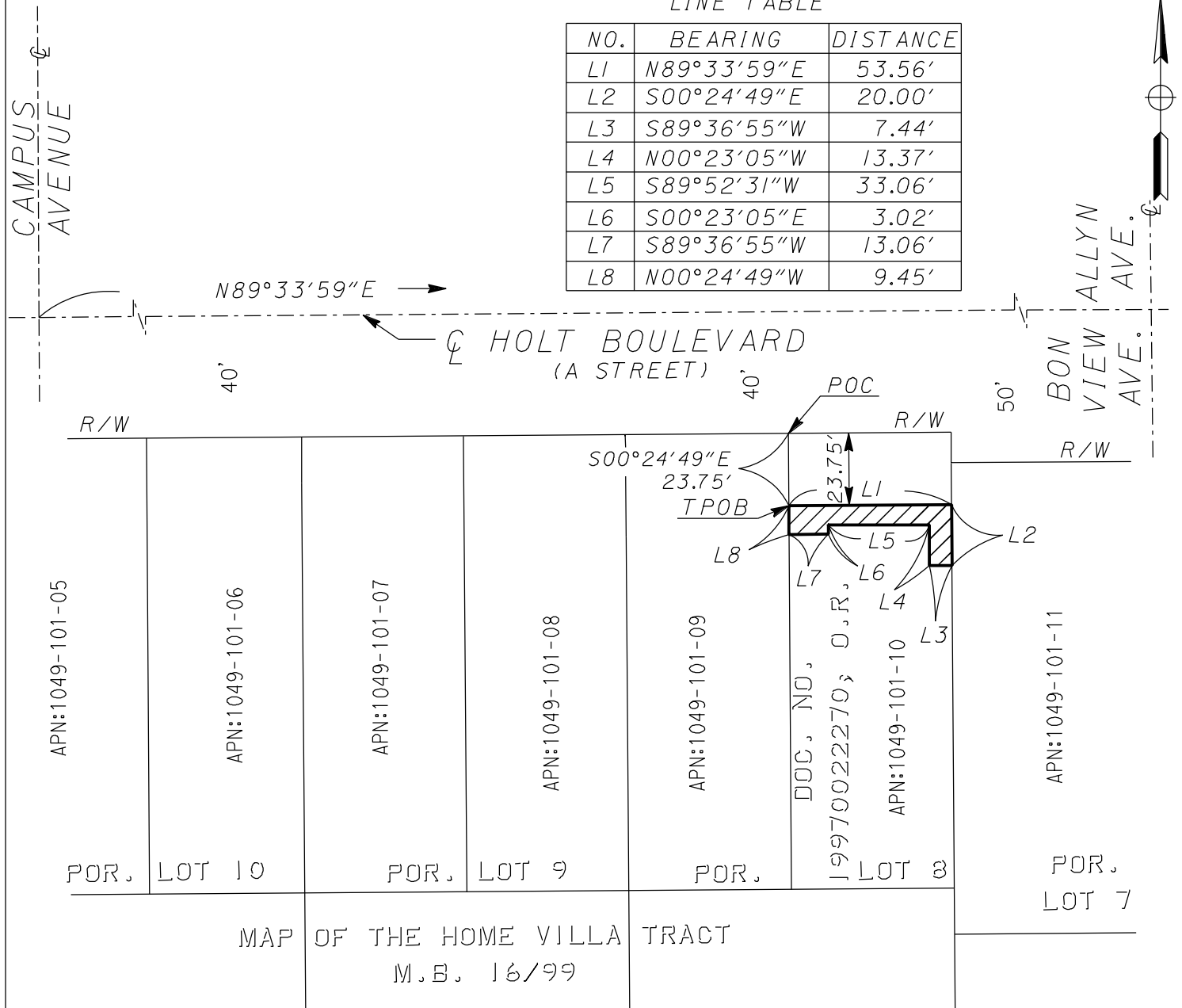


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-101-10	TEMPORARY CONSTRUCTION EASEMENT	488 SF

LINE TABLE

NO.	BEARING	DISTANCE
L1	N89°33'59"E	53.56'
L2	S00°24'49"E	20.00'
L3	S89°36'55"W	7.44'
L4	N00°23'05"W	13.37'
L5	S89°52'31"W	33.06'
L6	S00°23'05"E	3.02'
L7	S89°36'55"W	13.06'
L8	N00°24'49"W	9.45'



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

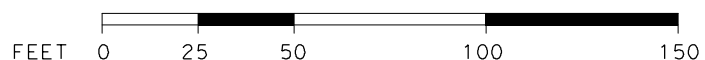
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

3/11/2021

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: 1049-101-10 TCE
 Description: TCE PCL

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	100082)		1845582.58	6670860.05	0.00
	N 89°33'59" E	53.56			
PI (	100083)		1845582.98	6670913.61	0.00
	S 0°24'49" E	20.00			
PI (	100089)		1845562.98	6670913.76	0.00
	S 89°36'55" W	7.44			
PI (	100088)		1845562.93	6670906.31	0.00
	N 0°23'05" W	13.37			
PI (	100087)		1845576.31	6670906.22	0.00
	S 89°52'31" W	33.06			
PI (	100086)		1845576.24	6670873.16	0.00
	S 0°23'05" E	3.02			
PI (	100085)		1845573.21	6670873.19	0.00
	S 89°36'55" W	13.06			
PI (	100084)		1845573.12	6670860.12	0.00
	N 0°24'49" W	9.45			
POE (	100082)		1845582.58	6670860.05	0.00

Northing Error: -0.00 ft
 Easting Error: 0.01 ft
 Closing Direction: N 53°12'56" W
 Closing Distance: 0.01 ft
 Closed Area: 488 sq ft (0 ac)
 Perimeter: 152.97 ft
 Precision: 21610.16

RESOLUTION OF NECESSITY No. 23-016

**1044 E. HOLT, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY PROPERTY
(APN 1049-131-15)**

RESOLUTION NO. 23-016

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-131-15

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

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

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

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

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

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

WHEREAS, portions of the real property located at 1044 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-131-15 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,760 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 1,019 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"). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 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 September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, 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: 1049-131-15

The Northerly 17.13 feet of Lot 2, Bon View Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County.

Parcel contains 1,760 square feet, more or less.

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

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

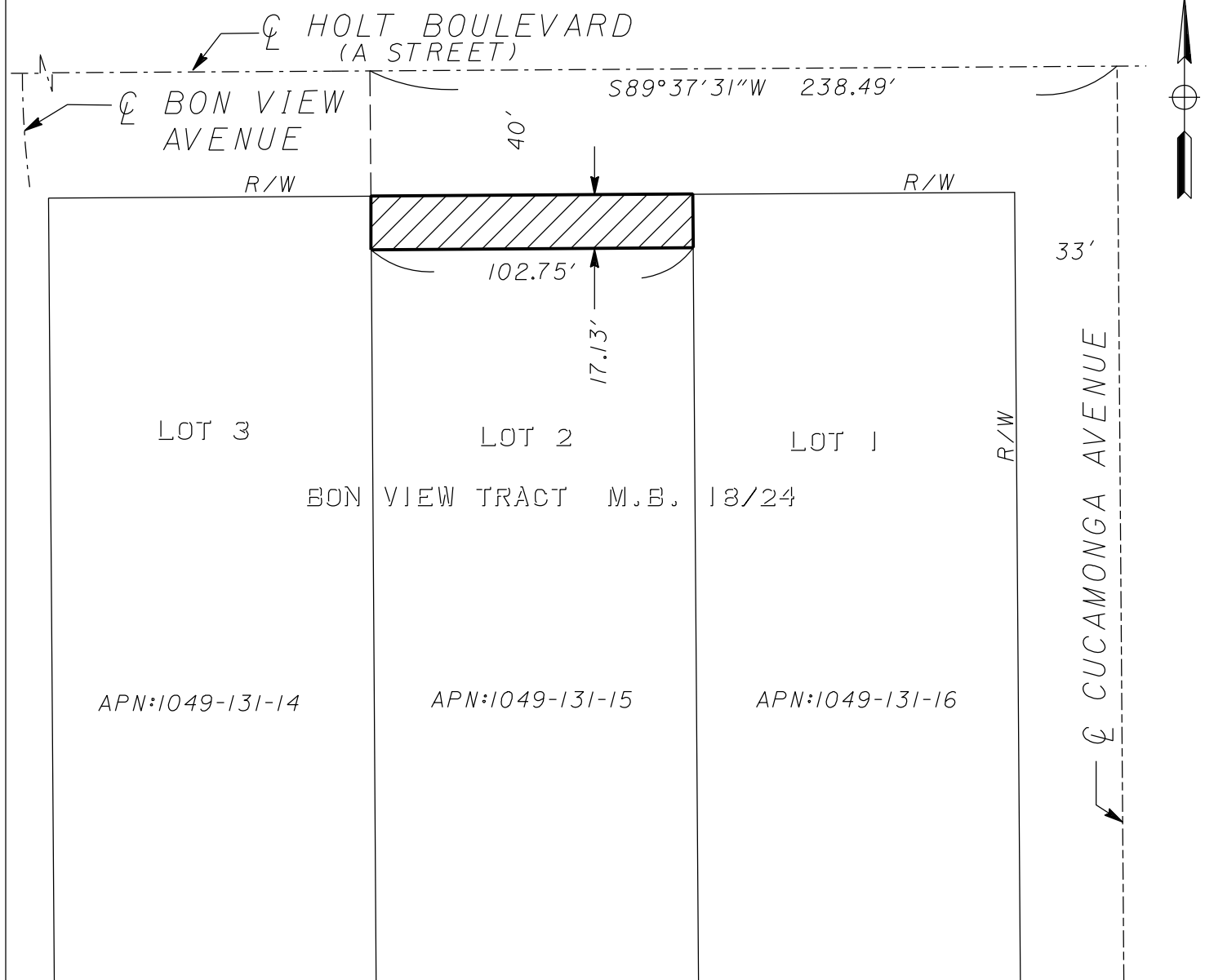
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/2/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-131-15	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,760 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

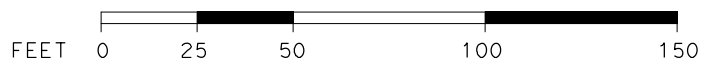
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/2/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-15 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	85234)		1845620.56	6672901.97	0.00
	N 89°37'31" E	102.75			
PI (	65318)		1845621.23	6673004.72	0.00
	S 0°24'01" E	17.13			
PI (	65319)		1845604.11	6673004.84	0.00
	S 89°37'31" W	102.75			
PI (	85231)		1845603.44	6672902.09	0.00
	N 0°24'01" W	17.13			
POE (	85234)		1845620.56	6672901.97	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 0°00'00" E
 Closing Distance: 0.00 ft
 Closed Area: 1759.85 sq ft (0.04 ac)
 Perimeter: 239.76 ft
 Precision: 1e+.40

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-131-15

That portion of Lot 2, Bon View Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the northwesterly corner of said Lot 2;

thence along the westerly line of said Lot 2 South 00°24'01" East 17.13 feet to the **True Point of Beginning**;

thence leaving said westerly line North 89°37'31" East 102.75 feet to the easterly line of said Lot 2;

thence along said easterly line South 00°24'01" East 9.91 feet;

thence leaving said easterly line South 89°36'55" West 102.75 feet to said westerly line;

thence along said westerly line North 00°24'01" West 9.93 feet to the **True Point of Beginning**.

Parcel contains 1,019 square feet, more or less.

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

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

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

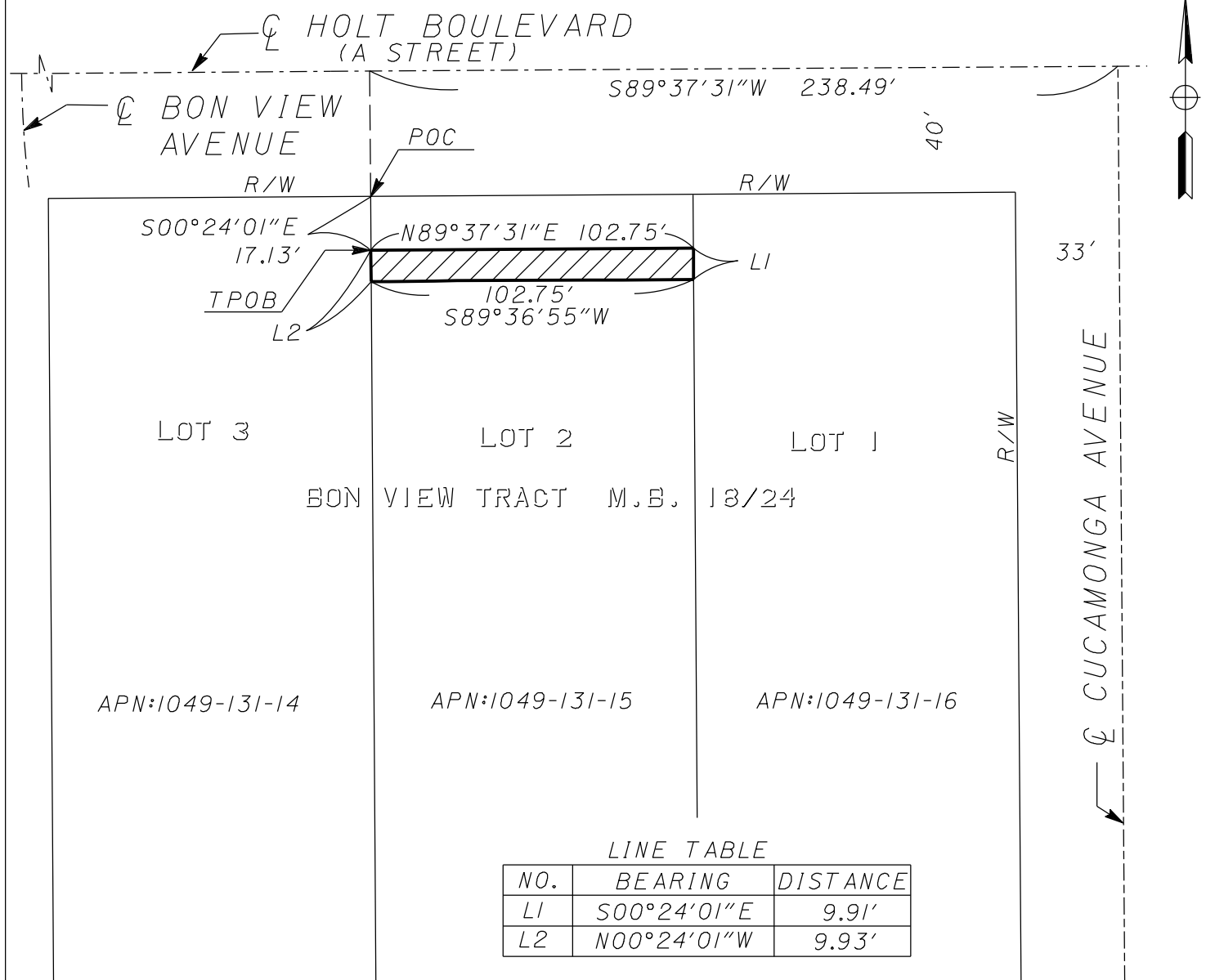
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 11/8/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-131-15	TEMPORARY CONSTRUCTION EASEMENT	1,019 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

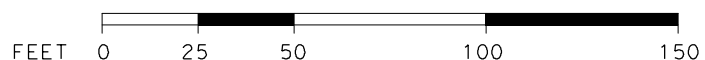
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

11/8/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-15 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	85231)		1845603.44	6672902.09	0.00
	N 89°37'31" E	102.75			
POT (	65319)		1845604.11	6673004.84	0.00
	S 0°24'01" E	9.91			
POT (	65320)		1845594.20	6673004.91	0.00
	S 89°36'55" W	102.75			
POT (	85778)		1845593.51	6672902.16	0.00
	N 0°24'01" W	9.93			
POT (	85231)		1845603.44	6672902.09	0.00

Northing Error: 0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: S 0°34'43" E
 Closing Distance: 0.00 ft
 Closed Area: 1019.32 sq ft (0.02 ac)
 Perimeter: 225.34 ft
 Precision: 109030.92

RESOLUTION OF NECESSITY No. 23-017

**TIP ONTARIO, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY PROPERTY
(APN 1049-131-16)**

RESOLUTION NO. 23-017

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-131-16

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

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

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

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

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

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

WHEREAS, portions of the real property located at 1050 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-131-16 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,873 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 1,045 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”). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 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.

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(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:

- (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 September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, 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: 1049-131-16

That portion of Lot 1, Bon View Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Virginia Avenue as shown on Parcel Map 8097 filed in Book 91, Page 17 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°37'31" West 482.77 feet to the northerly prolongation of the westerly line of said Lot 1;

thence leaving said centerline along said westerly prolongation South 00°24'01" 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°24'01" East 17.13 feet to a line that is parallel with and 17.13 feet southerly of the northerly line of said Lot 1;

thence leaving said westerly line along said parallel line North 89°37'31" East 88.34 feet;

thence South 43°04'45" East 21.28 feet to the easterly line of said Lot 1;

thence along said easterly line North 00°24'49" West 32.76 feet to the northeasterly corner of said Lot 1;

thence along the northerly line of said Lot 1 South 89°37'31" West 102.75 feet to the **True Point of Beginning**.

Parcel contains 1,873 square feet, more or less.

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

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

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

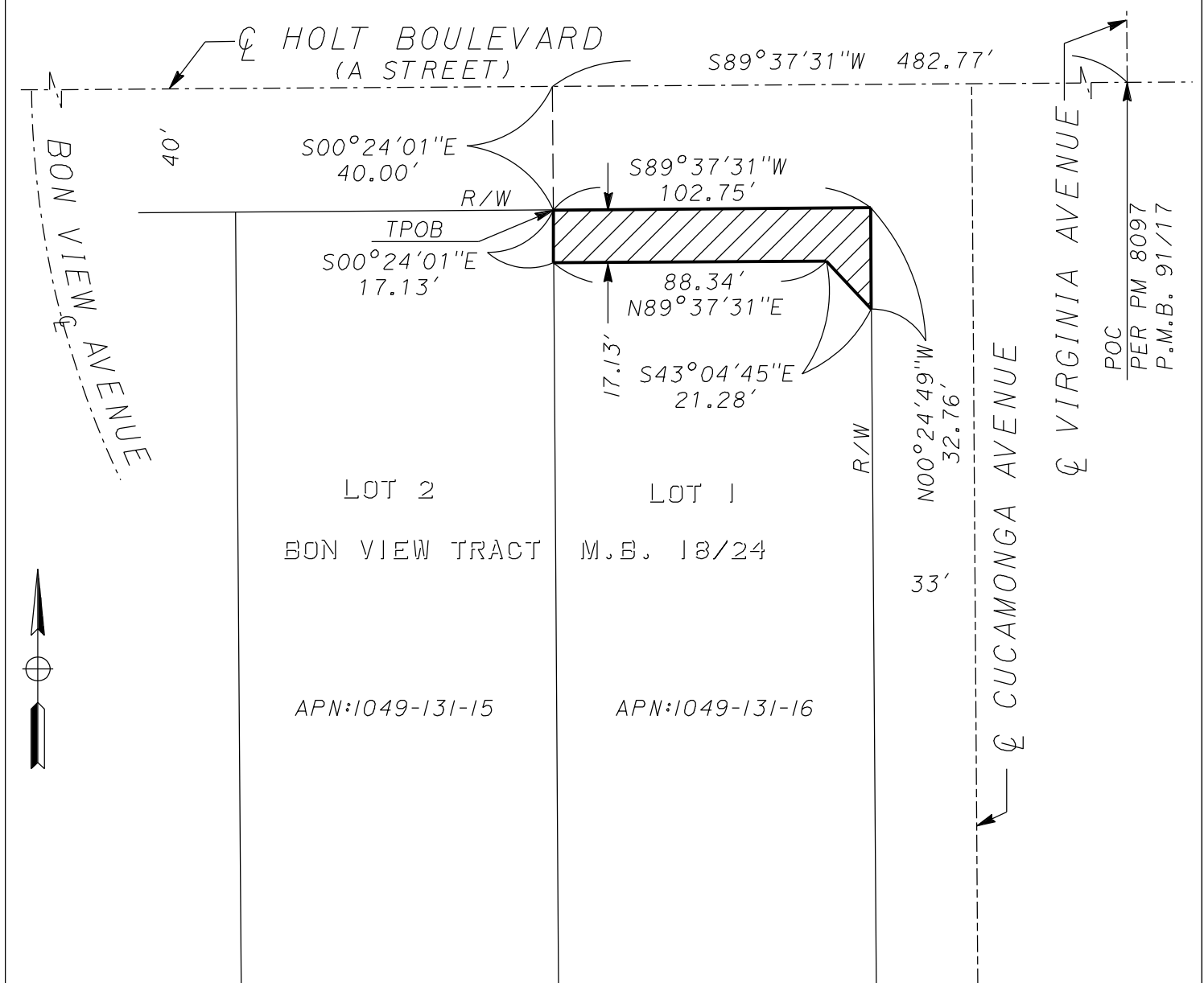
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 11/8/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-131-16	EASEMENT DEED OF RIGHT OF WAY DEDICATION	1,873 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

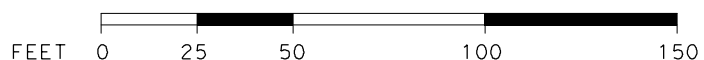
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

11/8/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-16 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	65318)		1845621.23	6673004.72	0.00
	S 0°24'01" E	17.13			
POT (	65319)		1845604.11	6673004.84	0.00
	N 89°37'31" E	88.34			
POT (	85971)		1845604.69	6673093.18	0.00
	S 43°04'45" E	21.28			
POT (	85970)		1845589.14	6673107.71	0.00
	N 0°24'49" W	32.76			
POT (	65327)		1845621.91	6673107.47	0.00
	S 89°37'31" W	102.75			
POT (	65318)		1845621.23	6673004.72	0.00

Northing Error: -0.01 ft
 Easting Error: 0.01 ft
 Closing Direction: N 45°19'37" W
 Closing Distance: 0.01 ft
 Closed Area: 1872.65 sq ft (0.04 ac)
 Perimeter: 262.26 ft
 Precision: 23586.45

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-131-16

That portion of Lot 1, Bon View Tract, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 18, Page 24 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Virginia Avenue as shown on Parcel Map 8097 filed in Book 91, Page 17 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard South 89°37'31" West 482.77 feet to the northerly prolongation of the westerly line of said Lot 1;

thence leaving said centerline along said westerly prolongation and said westerly line South 00°24'01" East 57.13 feet to the **True Point of Beginning**;

thence leaving said westerly line North 89°37'31" East 88.34 feet;

thence South 43°04'45" East 21.28 feet to the easterly line of said Lot 1;

thence along said easterly line South 00°24'49" East 16.77 feet;

thence leaving said easterly line South 89°38'31" West 5.00 feet;

thence North 00°21'29" West 14.80 feet;

thence North 43°04'45" West 10.49 feet;

thence South 89°36'55" West 90.66 feet to said westerly line;

thence along said westerly line North 00°24'01" West 9.91 feet to the **True Point of Beginning**.

Parcel contains 1,045 square feet, more or less.

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

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

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

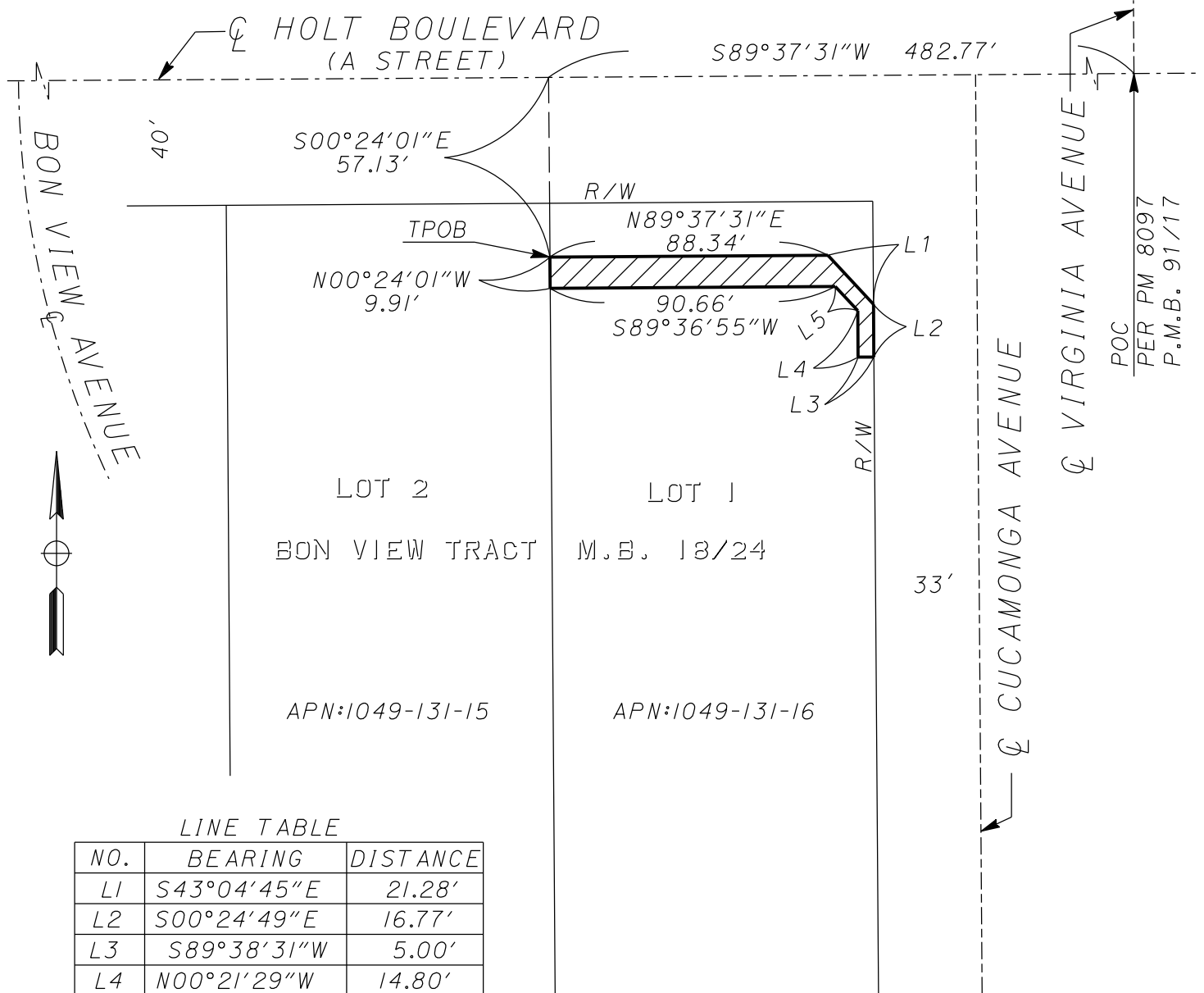
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 11/8/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-131-16	TEMPORARY CONSTRUCTION EASEMENT	1,045 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

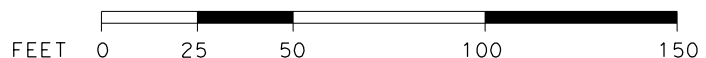
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

11/8/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-16 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POT (	65319)		1845604.11	6673004.84	0.00
	N 89°37'31" E	88.34			
POT (	85971)		1845604.69	6673093.18	0.00
	S 43°04'45" E	21.28			
POT (	85970)		1845589.14	6673107.71	0.00
	S 0°24'49" E	16.77			
POT (	85972)		1845572.37	6673107.83	0.00
	S 89°38'31" W	5.00			
POT (	85973)		1845572.34	6673102.83	0.00
	N 0°21'29" W	14.80			
POT (	85974)		1845587.14	6673102.73	0.00
	N 43°04'45" W	10.49			
POT (	85975)		1845594.81	6673095.57	0.00
	S 89°36'55" W	90.66			
POT (	65320)		1845594.20	6673004.91	0.00
	N 0°24'01" W	9.91			
POT (	65319)		1845604.11	6673004.84	0.00

Northing Error: -0.00 ft
 Easting Error: 0.01 ft
 Closing Direction: N 69°27'13" W
 Closing Distance: 0.01 ft
 Closed Area: 1044.63 sq ft (0.02 ac)
 Perimeter: 257.25 ft
 Precision: 26042.17

RESOLUTION OF NECESSITY No. 22-033

**USPF HOLT LP, A DELAWARE LIMITED
PARTNERSHIP PROPERTY**

(APN 0110-121-10)

RESOLUTION NO. 22-033

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 0110-121-10

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 1400 East Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 0110-121-10 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 852 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 6,018 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"). The Subject Property Interests include any site improvements impacted by the Project; 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 September 7, 2022 at 9:30 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

- (a) The public interest and necessity require the Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Subject Property Interests SBCTA seeks to acquire are necessary for the Project; and

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

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

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

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

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

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

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

On September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, Board President
San Bernardino County Transportation Authority

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

EXHIBIT “1”

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

APN: 0110-121-10

That portion of Parcel 1 of Parcel Map No. 6355, in the City of Ontario, County of San Bernardino, State of California, as shown on a map filed in Book 62, Page 49 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue as shown on Parcel Map No. 363 filed in Book 5, Page 10 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°36'25" East 597.04 feet to the northerly prolongation of the easterly line of said Parcel 1;

thence along said prolongation South 00°25'35" East 50.00 feet to the northeasterly corner of said Parcel 1 and the **True Point of Beginning**;

thence along the northerly line of said Parcel 1 South 89°36'25" West 597.07 feet to an angle point therein;

thence continuing along said northerly line South 89°35'44" West 35.49 feet to the northwesterly corner of said Parcel 1;

thence along the westerly line of said Parcel 1 South 00°21'52" East 1.35 feet;

thence leaving said westerly line North 89°36'06" East 63.94 feet;

thence South 00°23'54" East 0.50 feet;

thence North 89°36'06" East 22.00 feet;

thence North 00°23'54" West 0.50 feet;

thence North 89°36'06" East 546.61 feet to said easterly line;

thence along said easterly line North 00°25'35" West 1.30 feet to the **True Point of Beginning**.

Parcel contains 852 square feet, more or less.

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

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

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

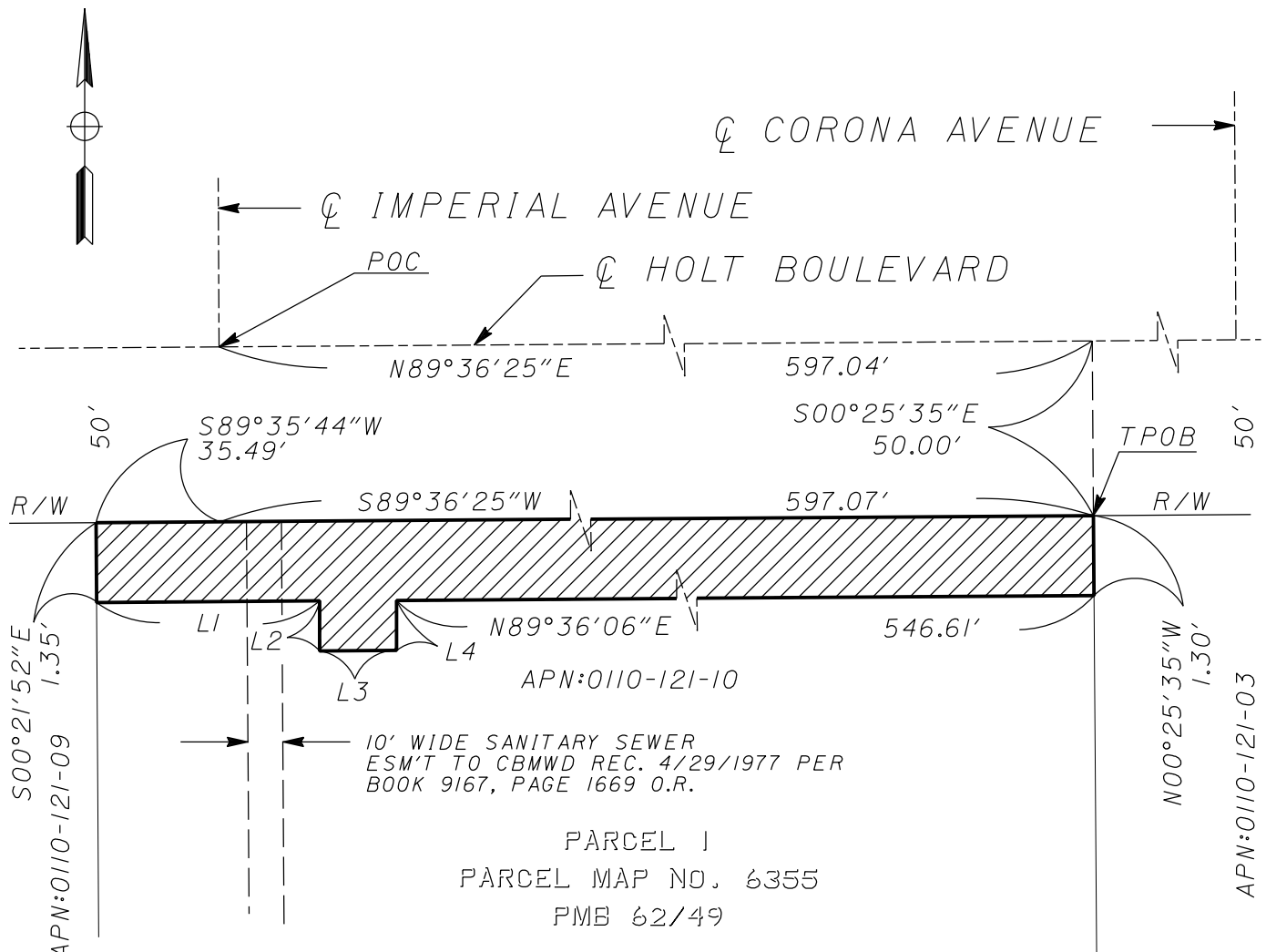
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/26/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-121-10	EASEMENT DEED OF RIGHT OF WAY DEDICATION	852 SF



APN:0110-121-10

10' WIDE SANITARY SEWER
ESM'T TO CBMWD REC. 4/29/1977 PER
BOOK 9167, PAGE 1669 O.R.

PARCEL 1
PARCEL MAP NO. 6355
PMB 62/49

LINE TABLE

NO.	BEARING	DISTANCE
L1	N89°36'06"E	63.94'
L2	S00°23'54"E	0.50'
L3	N89°36'06"E	22.00'
L4	N00°23'54"W	0.50'

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

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

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/26/2021

TERI KAHLEN, PLS 8746 DATE

NOT TO SCALE



PREPARED BY:

PSOMAS

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

PREPARED
BY

SP

SCALE

NO SCALE

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 0110-121-10 ROW
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65446)		1845635.19	6676501.05	0.00
	S 89°36'25" W	597.07			
PI (	65466)		1845631.09	6675904.00	0.00
	S 89°35'44" W	35.49			
PI (	65439)		1845630.84	6675868.51	0.00
	S 0°21'52" E	1.35			
PI (	65440)		1845629.49	6675868.52	0.00
	N 89°36'06" E	63.94			
PI (	65451)		1845629.94	6675932.46	0.00
	S 0°23'54" E	0.50			
PI (	65450)		1845629.44	6675932.47	0.00
	N 89°36'06" E	22.00			
PI (	65449)		1845629.59	6675954.46	0.00
	N 0°23'54" W	0.50			
PI (	65448)		1845630.09	6675954.46	0.00
	N 89°36'06" E	546.61			
PI (	65447)		1845633.89	6676501.06	0.00
	N 0°25'35" W	1.30			
POE (	65446)		1845635.19	6676501.05	0.00

Northing Error: 0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: S 84°20'19" E
 Closing Distance: 0.01 ft
 Closed Area: 852.29 sq ft (0.02 ac)
 Perimeter: 1268.77 ft
 Precision: 110360.08

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 0110-121-10

That portion of Parcel 1 of Parcel Map No. 6355, in the City of Ontario, County of San Bernardino, State of California, as shown on a map filed in Book 62, Page 49 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Imperial Avenue as shown on Parcel Map No. 363 filed in Book 5, Page 10 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°36'25" East 597.04 feet to the northerly prolongation of the easterly line of said Parcel 1;

thence along said prolongation and said easterly line South 00°25'35" East 51.30 feet to the **True Point of Beginning**;

thence continuing along said easterly line South 00°25'35" East 7.00 feet;

thence leaving said easterly line South 89°36'06" West 13.25 feet;

thence South 00°23'54" East 8.00 feet;

thence South 89°36'06" West 41.33 feet;

thence North 00°23'47" West 8.00 feet;

thence South 89°36'06" West 263.05 feet;

thence South 00°08'05" East 15.00 feet;

thence South 89°36'06" West 36.69 feet;

thence North 00°06'56" West 15.00 feet;

thence South 89°36'06" West 224.30 feet;

thence South 00°23'54" East 18.00 feet;

thence South 89°36'06" West 40.00 feet;
thence North 00°23'47" West 18.00 feet;
thence South 89°36'06" West 13.95 feet to the westerly line of said Parcel 1;
thence along said westerly line North 00°21'52" West 7.00 feet;
thence leaving said westerly line North 89°36'06" East 63.94 feet;
thence South 00°23'54" East 0.50 feet;
thence North 89°36'06" East 22.00 feet;
thence North 00°23'54" West 0.50 feet;
thence North 89°36'06" East 546.61 feet to the **True Point of Beginning**.

Parcel contains 6,018 square feet, more or less.

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

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

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

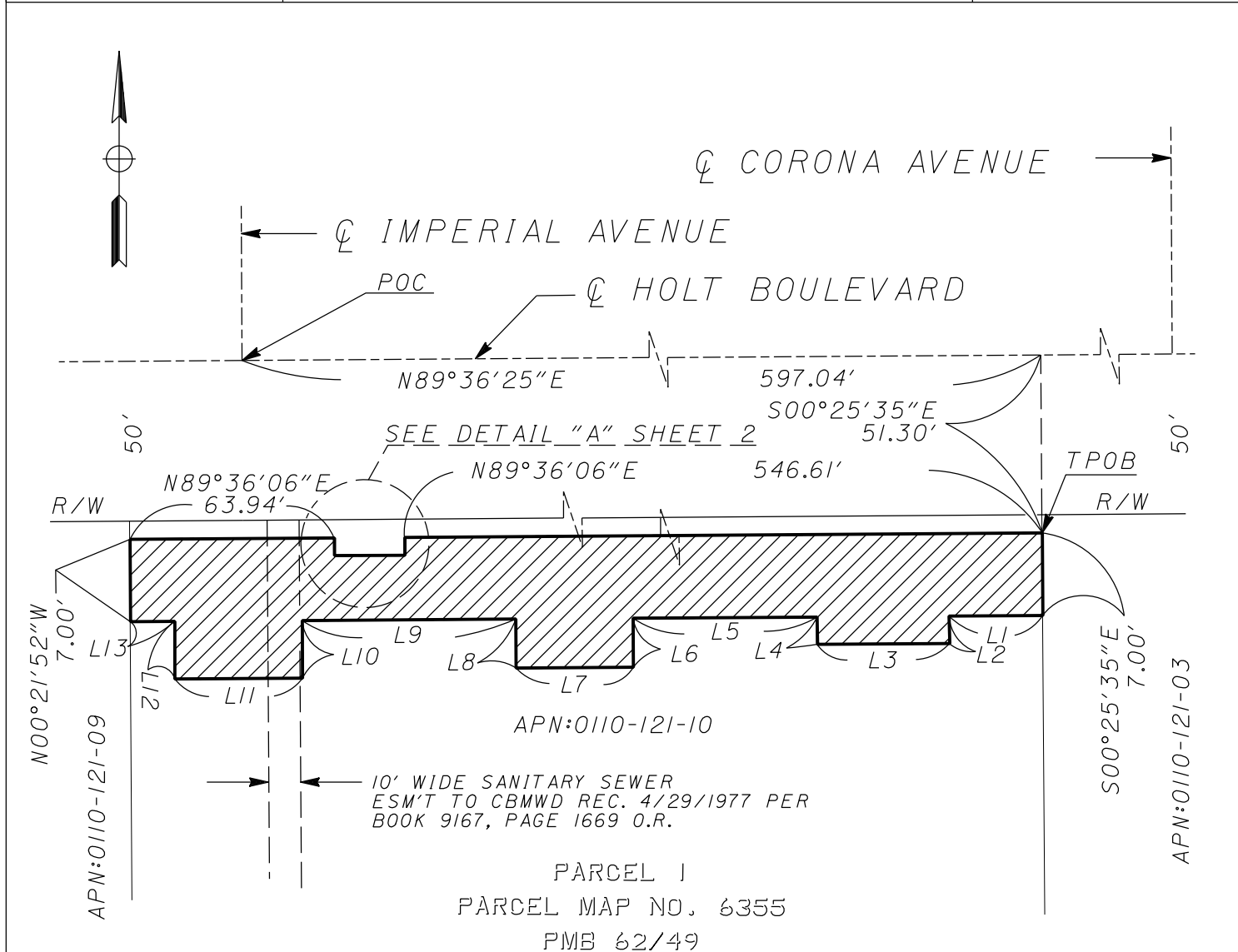
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/26/2021



EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-121-10	TEMPORARY CONSTRUCTION EASEMENT	6,018 SF



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/26/2021

TERI KAHLEN, PLS 8746 DATE



NOT TO SCALE

PREPARED BY:

PSOMAS

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

PREPARED
BY

SP

SCALE

NO SCALE

SHEET NO.

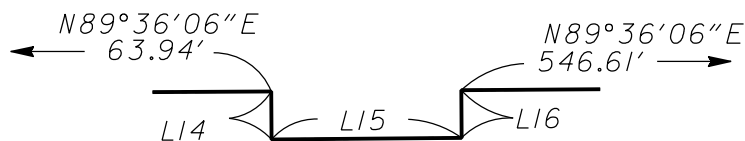
1

TOTAL
SHEETS

2

EXHIBIT B

APN	TYPE OF ESTATE	AREA
0110-121-10	TEMPORARY CONSTRUCTION EASEMENT	6,018 SF



DETAIL "A"
NTS

LINE TABLE

NO.	BEARING	DISTANCE
L1	S89°36'06"W	13.25'
L2	S00°23'54"E	8.00'
L3	S89°36'06"W	41.33'
L4	N00°23'47"W	8.00'
L5	S89°36'06"W	263.05'
L6	S00°08'05"E	15.00'
L7	S89°36'06"W	36.69'
L8	N00°06'56"W	15.00'
L9	S89°36'06"W	224.30'
L10	S00°23'54"E	18.00'
L11	S89°36'06"W	40.00'
L12	N00°23'47"W	18.00'
L13	S89°36'06"W	13.95'
L14	S00°23'54"E	0.50'
L15	N89°36'06"E	22.00'
L16	N00°23'54"W	0.50'

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

SP

SCALE

NO SCALE

SHEET NO.

2

TOTAL
SHEETS

2

Map Check Report

Project: WVC - OC
 Alignment: 0110-121-10 TCE
 Description:

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	65447)		1845633.89	6676501.06	0.00
	S 0°25'35" E	7.00			
PI (	65464)		1845626.89	6676501.12	0.00
	S 89°36'06" W	13.25			
PI (	65463)		1845626.80	6676487.87	0.00
	S 0°23'54" E	8.00			
PI (	65462)		1845618.80	6676487.92	0.00
	S 89°36'06" W	41.33			
PI (	65461)		1845618.51	6676446.59	0.00
	N 0°23'47" W	8.00			
PI (	65460)		1845626.51	6676446.54	0.00
	S 89°36'06" W	263.05			
PI (	65459)		1845624.68	6676183.49	0.00
	S 0°08'05" E	15.00			
PI (	65458)		1845609.68	6676183.52	0.00
	S 89°36'06" W	36.69			
PI (	65457)		1845609.43	6676146.83	0.00
	N 0°06'56" W	15.00			
PI (	65456)		1845624.43	6676146.80	0.00
	S 89°36'06" W	224.30			
PI (	65455)		1845622.87	6675922.51	0.00
	S 0°23'54" E	18.00			
PI (	65454)		1845604.87	6675922.64	0.00
	S 89°36'06" W	40.00			
PI (	65453)		1845604.59	6675882.64	0.00
	N 0°23'47" W	18.00			
PI (	65452)		1845622.59	6675882.51	0.00
	S 89°36'06" W	13.95			
PI (	65441)		1845622.49	6675868.57	0.00
	N 0°21'52" W	7.00			
PI (	65440)		1845629.49	6675868.52	0.00
	N 89°36'06" E	63.94			
PI (	65451)		1845629.94	6675932.46	0.00
	S 0°23'54" E	0.50			
PI (	65450)		1845629.44	6675932.47	0.00
	N 89°36'06" E	22.00			
PI (	65449)		1845629.59	6675954.46	0.00
	N 0°23'54" W	0.50			
PI (	65448)		1845630.09	6675954.46	0.00
	N 89°36'06" E	546.61			
POE (	65447)		1845633.89	6676501.06	0.00

Northing Error: -0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: N 89°23'18" E
 Closing Distance: 0.01 ft
 Closed Area: 6017.96 sq ft (0.14 ac)
 Perimeter: 1362.13 ft
 Precision: 208531.02

RESOLUTION OF NECESSITY No. 22-137

**MARCEL ENRIQUE RAUDA, A MARRIED
MAN, AS HIS SOLE AND SEPARATE
PROPERTY**

(APN 1049-101-08)

RESOLUTION NO. 22-137

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. 1049-101-08

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

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

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

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

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

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

WHEREAS, portions of the real property located at 748 E. Holt Boulevard in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-101-08 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,260 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 446 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 September 7, 2022 at 9:30 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 September 7, 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 September 7, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Art Bishop, 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: 1049-101-08

The northerly 23.66 feet of that portion of Lot 9 of the Map of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on the map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County and more particularly described in the Interspousal Transfer Grant Deed recorded April 6, 2016 as Document No. 2016-0127461 of Official Records in the office of the County Recorder of said County.

Containing 1,260 square feet, more or less.

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

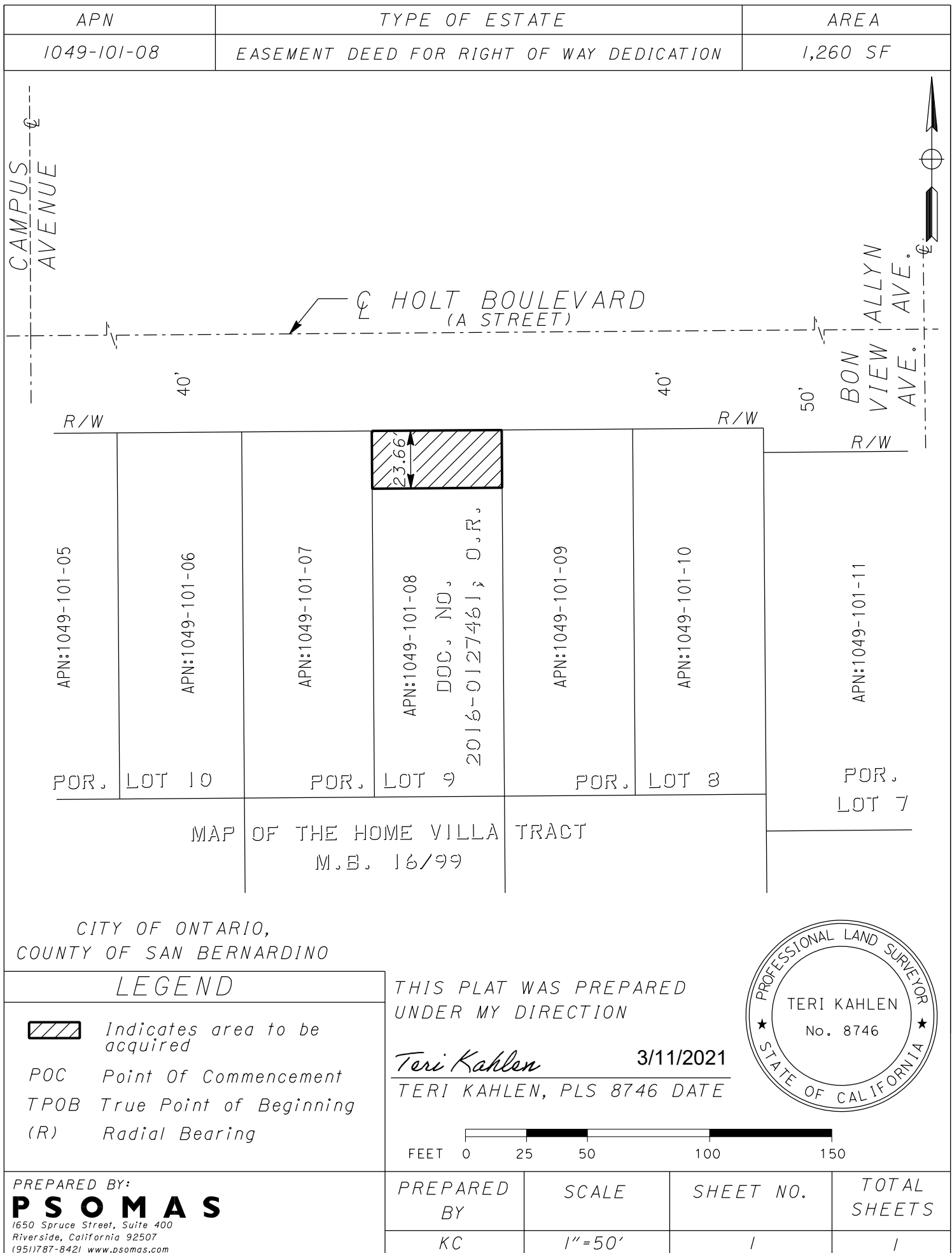
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/11/2021



EXHIBIT B



Map Check Report

Project: SBCTA BRT Pcl Calcs (KC)
 Alignment: 1049-101-08
 Description: ROW ESMT PCL

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (100072)			1845605.52	6670753.09	0.00
	S 0°24'49" E	23.66			
PI (100075)			1845581.86	6670753.26	0.00
	N 89°33'59" E	53.24			
PI (100074)			1845582.26	6670806.50	0.00
	N 0°24'49" W	23.66			
PI (100073)			1845605.92	6670806.32	0.00
	S 89°33'59" W	53.24			
POE (100072)			1845605.52	6670753.09	0.00

Northing Error: 0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 0°00'00" E
 Closing Distance: 0.00 ft
 Closed Area: 1260 sq ft (0 ac)
 Perimeter: 153.80 ft
 Precision: 1e+.40

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-08

That portion of Lot 9 of the Map of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as shown on the map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County and more particularly described in the Interspousal Transfer Grant Deed recorded April 6, 2016 as Document No. 2016-0127461 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the northwesterly corner of the land described in said Grant Deed;

thence along the westerly line of said land South 00°24'49" East 23.66 feet to the **True Point of Beginning** and the intersection of said westerly line with a line lying 23.66 feet southerly of and parallel with the northerly line of said Lot 9;

thence leaving said westerly line and along said parallel line North 89°33'59" East 53.24 feet to the easterly line of said Lot 9;

thence along said easterly line South 00°24'49" East 6.00 feet;

thence leaving said easterly line South 89°35'19" West 10.79 feet;

thence South 00°23'05" East 3.00 feet;

thence South 89°26'55" West 42.45 feet to said westerly line;

thence along said westerly line North 00°24'49" West 8.95 feet to the **True Point of Beginning**.

Containing 446 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: 3/11/2021

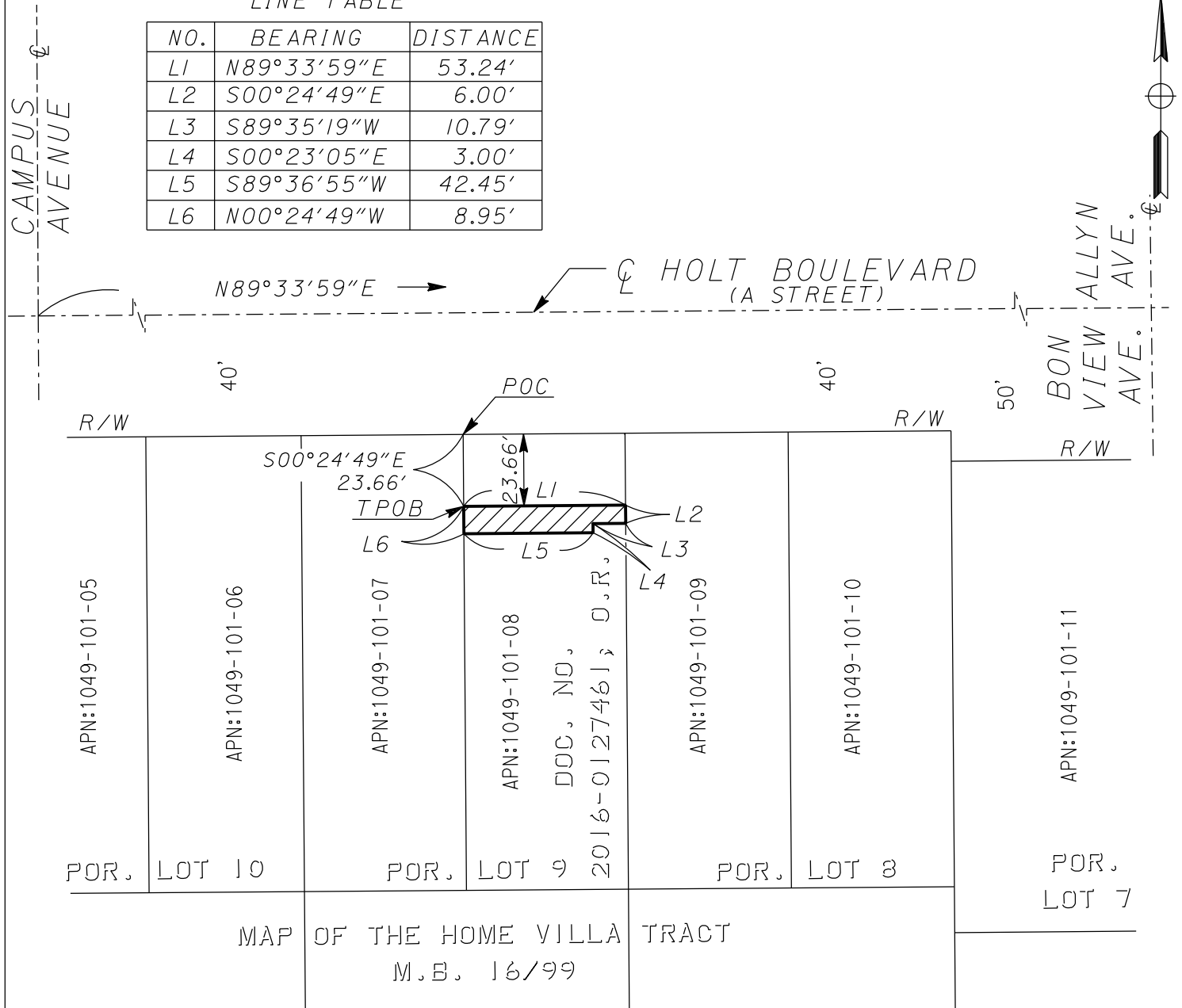


EXHIBIT B

APN	TYPE OF ESTATE	AREA
1049-101-08	TEMPORARY CONSTRUCTION EASEMENT	446 SF

LINE TABLE

NO.	BEARING	DISTANCE
L1	N89°33'59"E	53.24'
L2	S00°24'49"E	6.00'
L3	S89°35'19"W	10.79'
L4	S00°23'05"E	3.00'
L5	S89°36'55"W	42.45'
L6	N00°24'49"W	8.95'



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

3/11/2021

TERI KAHLEN, PLS 8746 DATE



FEET 0 25 50 100 150

PREPARED BY:

PSOMAS

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

PREPARED
BY

KC

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: SBCTA BRT Pcl Calcs (KC)
 Alignment: 1049-101-08 TCE
 Description: TCE PCL

Type	Point Name\ Direction	Length	Northing	Easting	Elevation
POB (	100075)		1845581.86	6670753.26	0.00
	N 89°33'59" E	53.24			
PI (	100074)		1845582.26	6670806.50	0.00
	S 0°24'49" E	6.00			
PI (	100079)		1845576.26	6670806.54	0.00
	S 89°35'19" W	10.79			
PI (	100078)		1845576.19	6670795.75	0.00
	S 0°23'05" E	3.00			
PI (	100077)		1845573.19	6670795.77	0.00
	S 89°36'55" W	42.45			
PI (	100076)		1845572.91	6670753.32	0.00
	N 0°24'49" W	8.95			
POE (	100075)		1845581.86	6670753.26	0.00

Northing Error: -0.01 ft
 Easting Error: -0.00 ft
 Closing Direction: N 8°32'03" E
 Closing Distance: 0.01 ft
 Closed Area: 446 sq ft (0 ac)
 Perimeter: 124.42 ft
 Precision: 12812.66