

Support Material Agenda Item No. 31

Board of Directors Meeting

**July 6, 2022
10:00 AM**

LOCATION:

**San Bernardino County Transportation Authority
First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA**

VIDEO CONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATIONS:

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

**City of Big Bear Lake
Civic Center (Training Room)
39707 Big Bear Blvd
Big Bear Lake, CA 92315.**

DISCUSSION ITEMS

Transit

31. 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:

- **Jaswant Kaur Bir, Surviving Trustee of The Raghbir & Jaswant Bir Family Living Trust, dated March 27, 2015 (Assessor's Parcel Number [APN] 1048-512-29);**
- **John Roubian, a married man, as his sole and separate property (APN 1049-093-03 & 04);**
- **John D. Roubian, II, a married man, as his sole and separate property (APN 1049-093-06);**
- **Deborah Y. Cagle (APN 1049-094-04 & 14);**
- **Susan Na, Trustee or any Successor Trustees in Trust, for The Susan Na Revocable Living Trust, utd January 8, 1993, and any Amendments (APN 1049-063-01);**
- **Marlena Belichesky, Trustee of the Belichesky-Filipovic Trust, dated June 23, 2006 (APN 1049-094-01 & 02);**
- **Muhammad A. Malik (APN 1049-093-01);**
- **Angelica Rodriguez, a single woman (APN 1049-093-07 & 09);**

- **Phuoc Banh, a married man, as his sole and separate property; and Ky Banh, a married man, as his sole and separate property (APN 1049-066-02);**
- **Jose Esparza, Trustee of The Jose Esparza Revocable Living Trust dated October 5, 2015 (APN 1049-093-02);**
- **Qihua Feng, a married man, as his sole and separate property (APN 1048-523-15);**
- **Henry C. Kim, a single man (APN 1049-101-06 & 07);**
- **Lino Leon & Maria Guadalupe Muniz Salas, as joint tenants (APN 1049-101-09);**
- **Roger Alan Griffith, a married man, as his sole and separate property (APN 1049-101-11);**
- **Jun Son Yoo, Trustee of the Jun Son Yoo Family Trust dated October 18, 2018 (APN 1049-131-05);**
- **Adrian Enriquez, Trustee of the Adrian Enriquez Trust, dated March 25, 1991 (APN 1049-101-05); and**
- **Daniel E. Ledesma, an unmarried man, and Raul Enrique Ledesma, Trustee of The Raul's Trust dated October 24, 1995, as to Parcels 1, 2, 4, 5, 6, 8 and 9; Raul E. Ledesma, Trustee of The Raul's Trust dated October 24, 1995, as to Parcels 3 & 7 (APN 1049-101-12, 13, 14, 15, 16, & 18).**

RESOLUTION OF NECESSITY No. 22-154

**JASWANT KAUR BIR, SURVIVING
TRUSTEE OF THE RAGHBIR & JASWANT
BIR FAMILY LIVING TRUST, DATED
MARCH 27, 2015 PROPERTY
(APN 1048-512-29)**

RESOLUTION NO. 22-154

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1048-512-29

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 717 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1048-512-29 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,457 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 13,541 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1048-512-29

That portion of Lot 1011 of the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in the Trust Transfer Deed recorded April 29, 2015 as Document No. 2015-0173521 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, as shown on Parcel Map 2364 filed in Book 20, Page 86 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 182.99 feet to the southerly prolongation of the westerly line of the land described in said Trust Transfer Deed;

thence along said southerly prolongation North $00^{\circ}15'53''$ West 40.00 feet to the southwesterly corner of said land and the **True Point of Beginning**;

thence along said westerly line North $00^{\circ}15'53''$ West 14.62 feet;

thence leaving said westerly line North $89^{\circ}36'55''$ East 99.55 feet to a non-tangent curve concave northeasterly having a radius of 4.83 feet, a radial line to said curve bears South $89^{\circ}37'09''$ West;

thence southeasterly 2.07 feet along said curve through a central angle of $24^{\circ}33'32''$ to the easterly line of said land;

thence along said easterly line South $00^{\circ}15'53''$ East 12.53 feet to the southeasterly corner of said land;

thence along the southerly line of said land South $89^{\circ}33'59''$ West 100.00 feet to the **True Point of Beginning**.

Parcel contains 1,457 square feet, more or less.

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

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

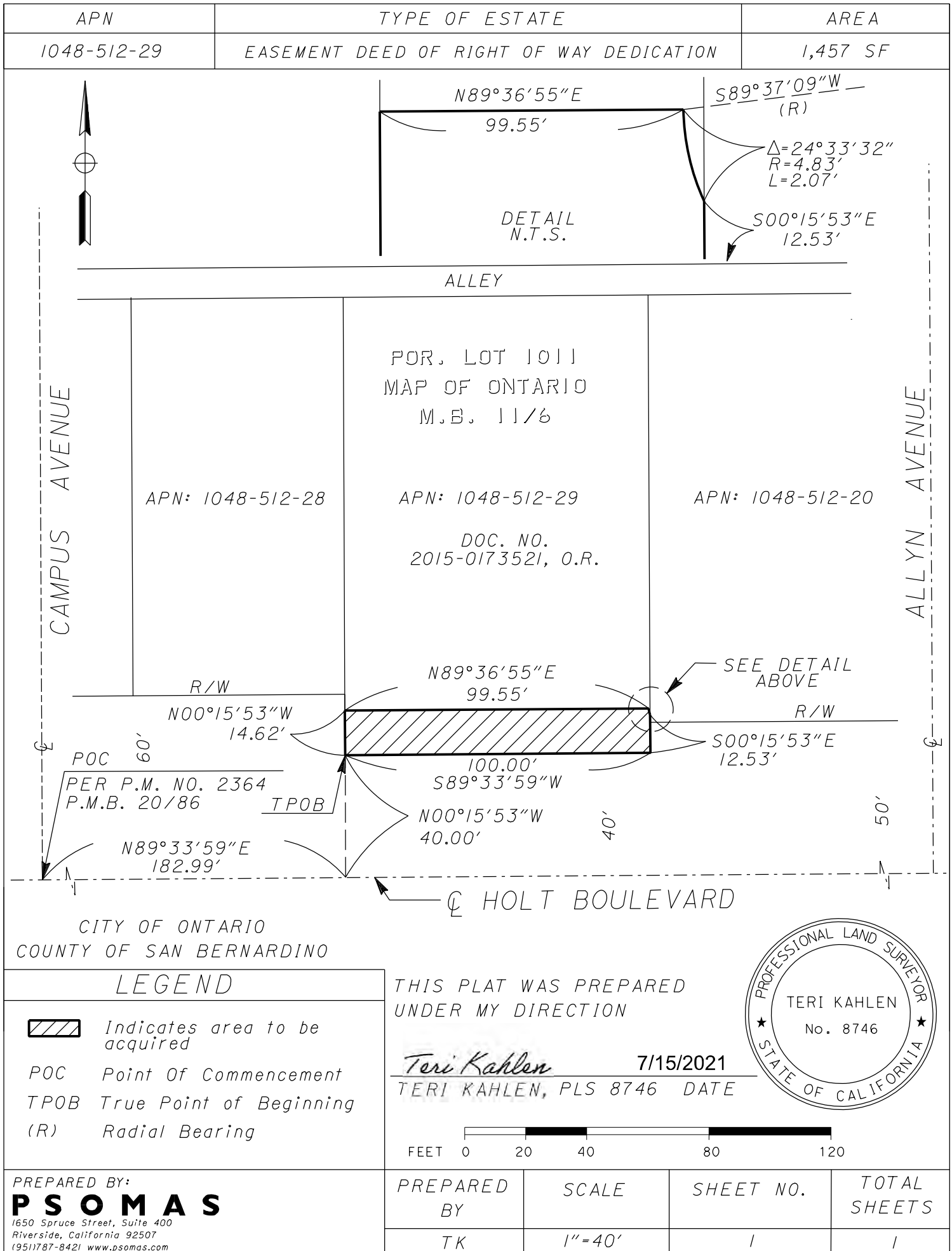
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/15/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-512-29 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|-----------|------------|------------|-----------|
| POB (| 65608) | | 1845683.40 | 6670472.00 | 0.00 |
| | N 0°15'53" W | 14.62 | | | |
| PI (| 65607) | | 1845698.02 | 6670471.93 | 0.00 |
| | N 89°36'55" E | 99.55 | | | |
| BC (| 65612) | | 1845698.69 | 6670571.49 | 0.00 |
| | Radius: | 4.83 | | | |
| | Delta: | 24°33'32" | | | |
| | Length: | 2.07 | | | |
| | Chord: | 2.06 | | | |
| | Tangent: | 1.05 | | | |
| | Middle Ordinate: | 0.11 | | | |
| | External: | 0.11 | | | |
| | S 89°37'09" W (Radial) | | | | |
| CC (| 65611) | | 1845698.72 | 6670576.32 | 0.00 |
| | S 12°39'37" E (Chord) | | | | |
| | S 65°03'37" W (Radial) | | | | |
| EC (| 65610) | | 1845696.68 | 6670571.94 | 0.00 |
| | S 0°15'53" E | 12.53 | | | |
| PI (| 65609) | | 1845684.15 | 6670571.99 | 0.00 |
| | S 89°33'59" W | 100.00 | | | |
| POE (| 65608) | | 1845683.40 | 6670472.00 | 0.00 |

Northing Error: -0.01 ft
 Easting Error: -0.01 ft
 Closing Direction: N 42°20'10" E
 Closing Distance: 0.01 ft
 Closed Area: 1457.44 sq ft (0.03 ac)
 Perimeter: 228.77 ft
 Precision: 20414.04

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1048-512-29

That portion of Lot 1011 of the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 11, Page 6 of Maps in the office of the County Recorder of said County, described in the Trust Transfer Deed recorded April 29, 2015 as Document No. 2015-0173521 of Official Records in the office of the County Recorder of said County.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, as shown on Parcel Map 2364 filed in Book 20, Page 86 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 182.99 feet to the southerly prolongation of the westerly line of the land described in said Trust Transfer Deed;

thence along said southerly prolongation North 00°15'53" West 40.00 feet to the southwesterly corner of said land and the **True Point of Beginning**;

thence along said westerly line North 00°15'53" West 14.62 feet;

thence leaving said westerly line North 89°36'55" East 99.55 feet to a non-tangent curve concave northeasterly having a radius of 4.83 feet, a radial line to said curve bears South 89°37'09" West;

thence southeasterly 2.07 feet along said curve through a central angle of 24°33'32" to the easterly line of said land;

thence along said easterly line South 00°15'53" East 12.53 feet to the southeasterly corner of said land;

thence along the southerly line of said land South 89°33'59" West 100.00 feet to the **True Point of Beginning**.

Parcel contains 13,541 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.

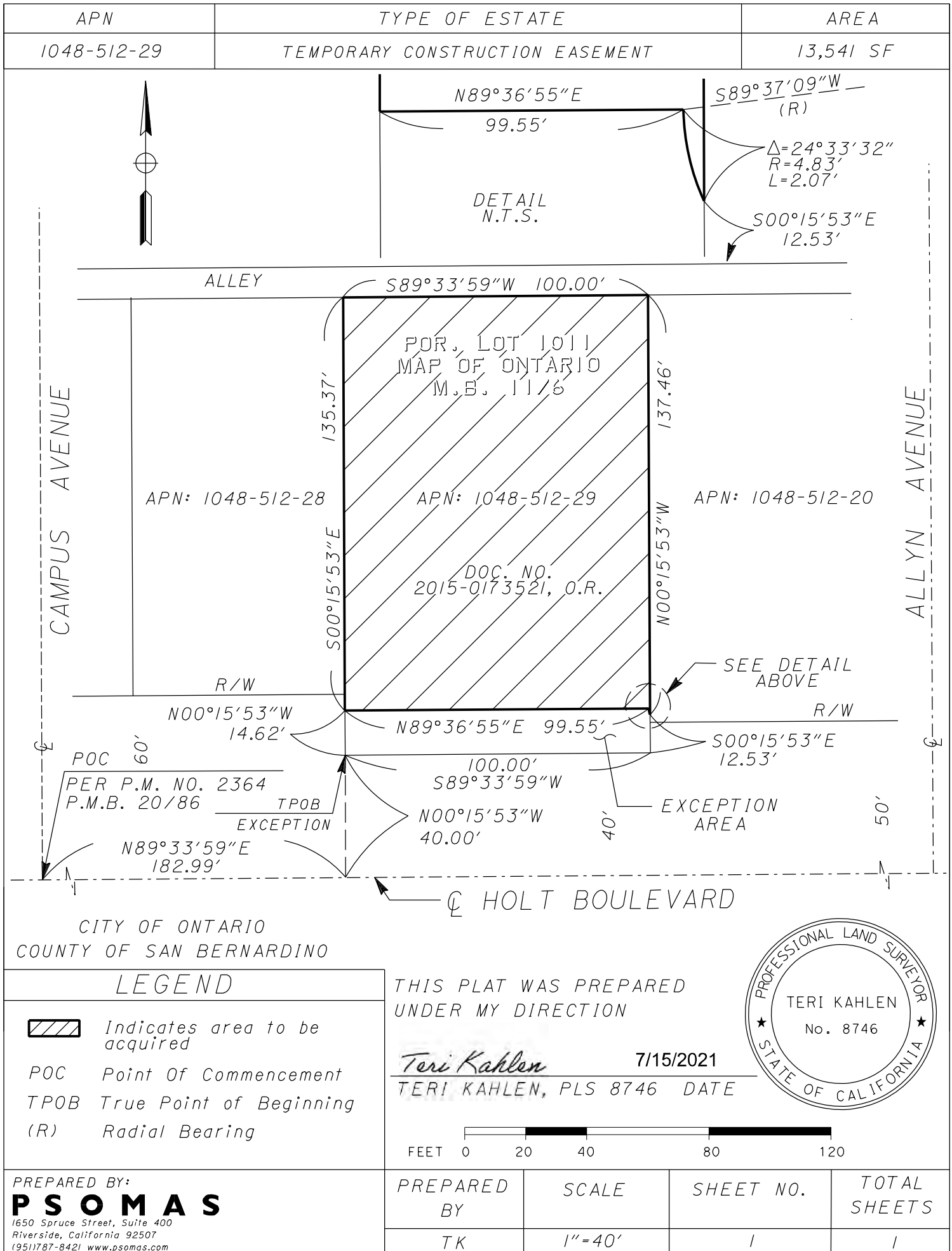
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/15/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-512-29 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|-------------|------------|------------|-----------|
| POB (| 65607) | | 1845698.02 | 6670471.93 | 0.00 |
| | N 89°36'54.6" E | 99.55 | | | |
| BC (| 65612) | | 1845698.69 | 6670571.49 | 0.00 |
| | Radius: | 4.83 | | | |
| | Delta: | 24°33'31.8" | | | |
| | Length: | 2.07 | | | |
| | Chord: | 2.06 | | | |
| | Tangent: | 1.05 | | | |
| | Middle Ordinate: | 0.11 | | | |
| | External: | 0.11 | | | |
| | S 89°37'08.8" W (Radial) | | | | |
| CC (| 65611) | | 1845698.72 | 6670576.32 | 0.00 |
| | S 12°39'37.1" E (Chord) | | | | |
| | S 65°03'37.0" W (Radial) | | | | |
| EC (| 65610) | | 1845696.68 | 6670571.94 | 0.00 |
| | N 0°15'53.3" W | 137.46 | | | |
| PI (| 65627) | | 1845834.14 | 6670571.30 | 0.00 |
| | S 89°33'59.4" W | 100.00 | | | |
| PI (| 65628) | | 1845833.38 | 6670471.31 | 0.00 |
| | S 0°15'53.3" E | 135.37 | | | |
| POE (| 65607) | | 1845698.02 | 6670471.93 | 0.00 |

Northing Error: -0.01 ft
 Easting Error: -0.01 ft
 Closing Direction: N 43°43'20" E
 Closing Distance: 0.01 ft
 Closed Area: 13540.88 sq ft (0.31 ac)
 Perimeter: 474.45 ft
 Precision: 43421.98

RESOLUTION OF NECESSITY No. 22-160

JOHN ROUBIAN PROPERTY

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

RESOLUTION NO. 22-160

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

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

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

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

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

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

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

WHEREAS, portions of the real property located at 630 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1049-093-03 and 1049-093-04 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,171 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 3,965 square foot temporary construction easement with a term of twenty-four months legally described and depicted in Exhibit "2" hereto (collectively the "Subject Property Interests"). 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-093-03 & 1049-093-04

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

Beginning at the northwesterly corner of said Lot 4;

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

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

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

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

Parcel contains 1,171 square feet, more or less.

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

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

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

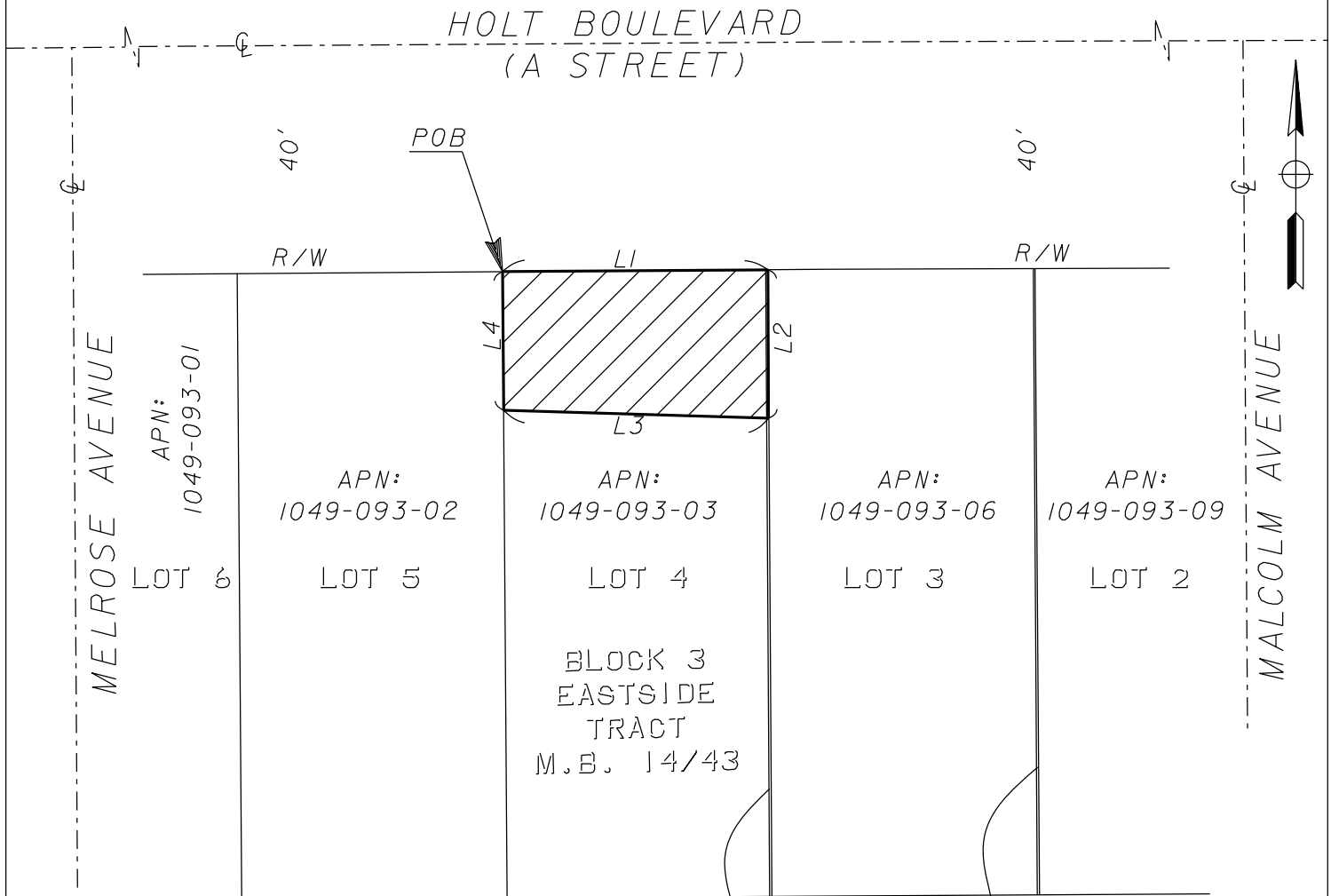
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B

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



LINE TABLE

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

APN: 1049-093-04

APN: 1049-093-07

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND

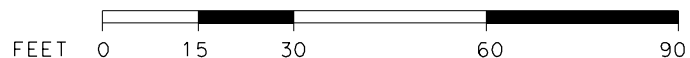


Indicates area to be acquired

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

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

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



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

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

Map Check Report

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

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

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

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

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

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

EXCEPT THEREFROM that portion described as follows:

Beginning at the northwesterly corner of said Lot 4;

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

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

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

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

Parcel contains 3,965 square feet, more or less.

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

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

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

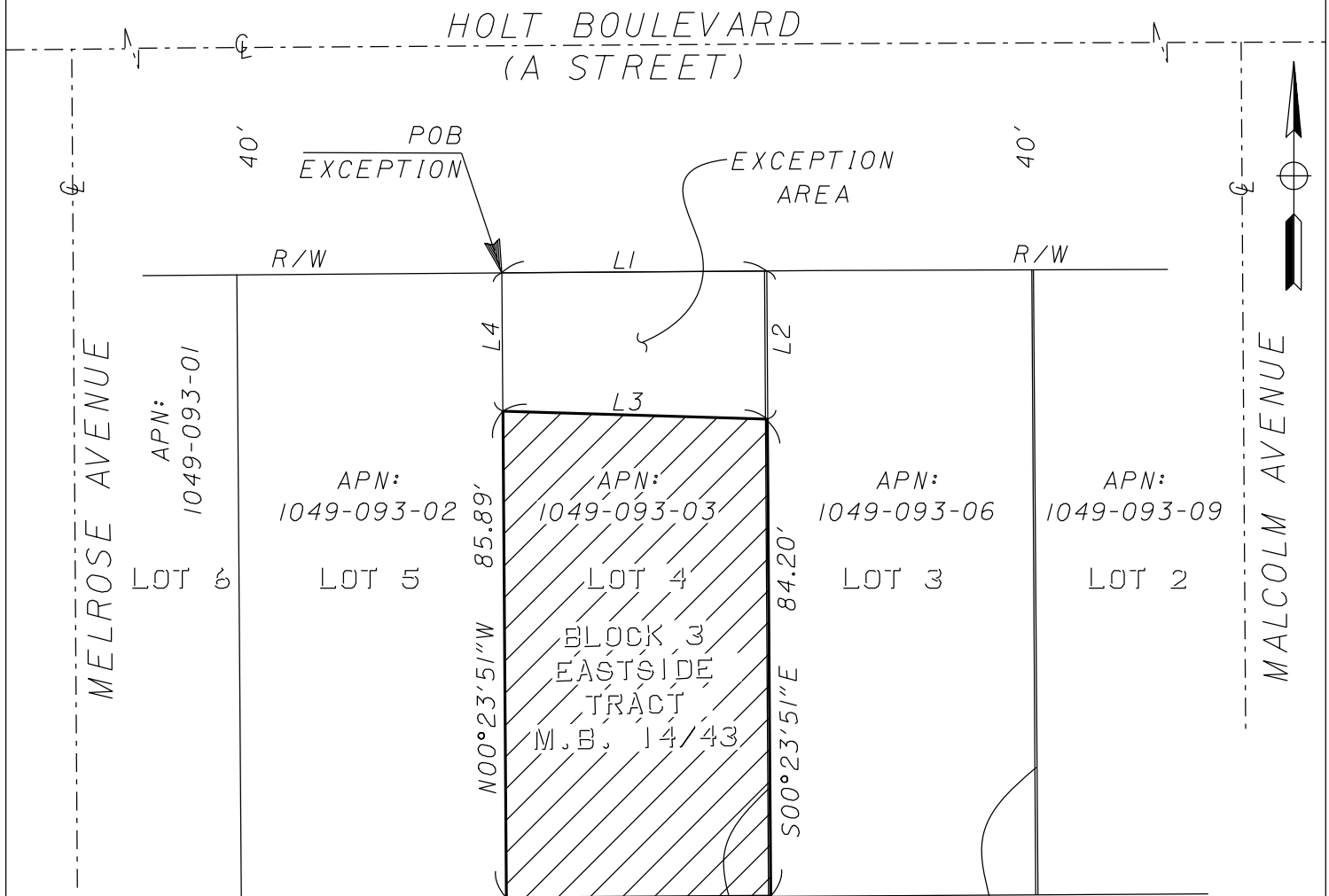
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/20/2021



EXHIBIT B

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



LINE TABLE

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

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

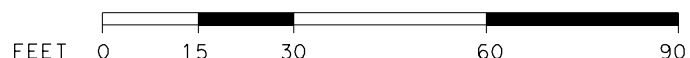
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/20/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

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

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

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

RESOLUTION OF NECESSITY No. 23-003

JOHN D. ROUBIAN II PROPERTY

(APNS 1049-093-06)

RESOLUTION NO. 23-003

**A RESOLUTION OF THE SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY FINDING AND DETERMINING
THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN
REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND
DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S
PARCEL NOS. 1049-093-06**

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

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

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

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

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

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

WHEREAS, portions of the real property located at 636 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Numbers 1049-093-06 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,251 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 3,887 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-093-06

That portion of Lot 3 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 northeasterly corner of said Lot 3;

thence along the northerly line of said Lot 3 South 89°45'25" West 36.59 feet;

thence continuing along said northerly line South 89°35'38" West 10.04 feet to the northwesterly corner of said Lot 3;

thence along the westerly line of said Lot 3 South 00°23'51" East 26.00 feet;

thence leaving said westerly line South 88°15'05" East 46.66 feet to the easterly line of said Lot 3;

thence along said easterly line North 00°23'51" West 27.65 feet to the **Point of Beginning**.

Parcel contains 1,251 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).

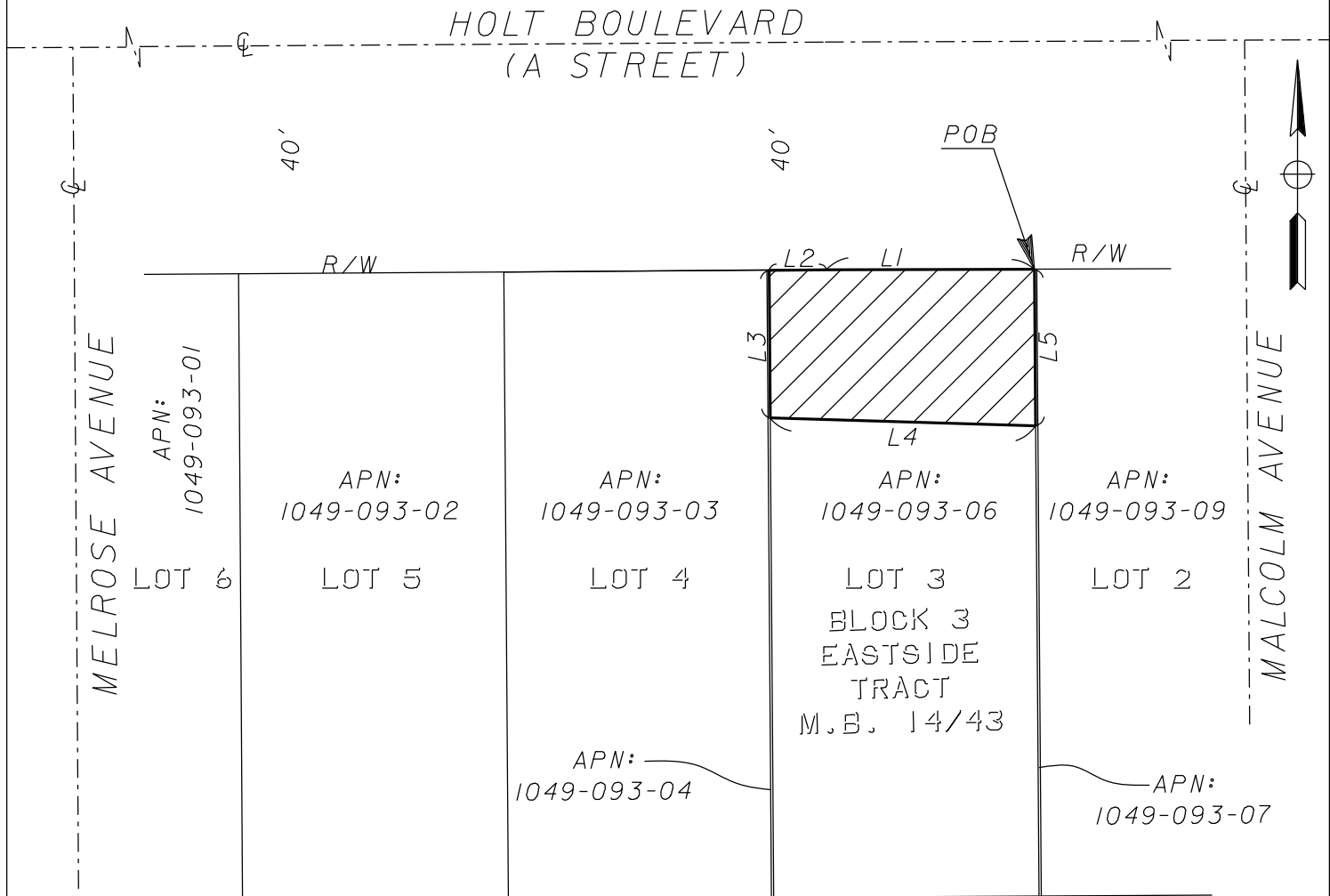
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/21/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-093-06 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,251 SF |



LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | S89°45'25"W | 36.59' |
| L2 | S89°35'38"W | 10.04' |
| L3 | S00°23'51"E | 26.00' |
| L4 | S88°15'05"E | 46.66' |
| L5 | N00°23'51"W | 27.65' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

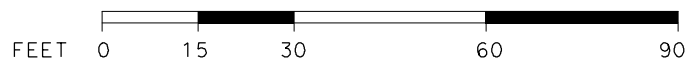
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/21/2021

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: 1049-093-06 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85695) | | 1845600.587 | 6669953.461 | 0.000 |
| | S 89°45'25" W | 36.59 | | | |
| POT (| 85705) | | 1845600.432 | 6669916.876 | 0.000 |
| | S 89°35'38" W | 10.04 | | | |
| POT (| 85694) | | 1845600.360 | 6669906.831 | 0.000 |
| | S 0°23'51" E | 26.00 | | | |
| POT (| 85699) | | 1845574.363 | 6669907.012 | 0.000 |
| | S 88°15'05" E | 46.66 | | | |
| POT (| 85698) | | 1845572.939 | 6669953.652 | 0.000 |
| | N 0°23'51" W | 27.65 | | | |
| POT (| 85695) | | 1845600.587 | 6669953.461 | 0.000 |

Northing Error: -0.000 ft
 Easting Error: -0.003 ft
 Closing Direction: N 85°12'19" E
 Closing Distance: 0.003 ft
 Closed Area: 1251.3 sq ft (0.0 ac)
 Perimeter: 146.939 ft
 Precision: 56452.618

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-093-06

Lot 3 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 northeasterly corner of said Lot 3;

thence along the northerly line of said Lot 3 South 89°45'25" West 36.59 feet;

thence continuing along said northerly line South 89°35'38" West 10.04 feet to the northwesterly corner of said Lot 3;

thence along the westerly line of said Lot 3 South 00°23'51" East 26.00 feet;

thence leaving said westerly line South 88°15'05" East 46.66 feet to the easterly line of said Lot 3;

thence along said easterly line North 00°23'51" West 27.65 feet to the **Point of Beginning**.

Parcel contains 3,887 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).

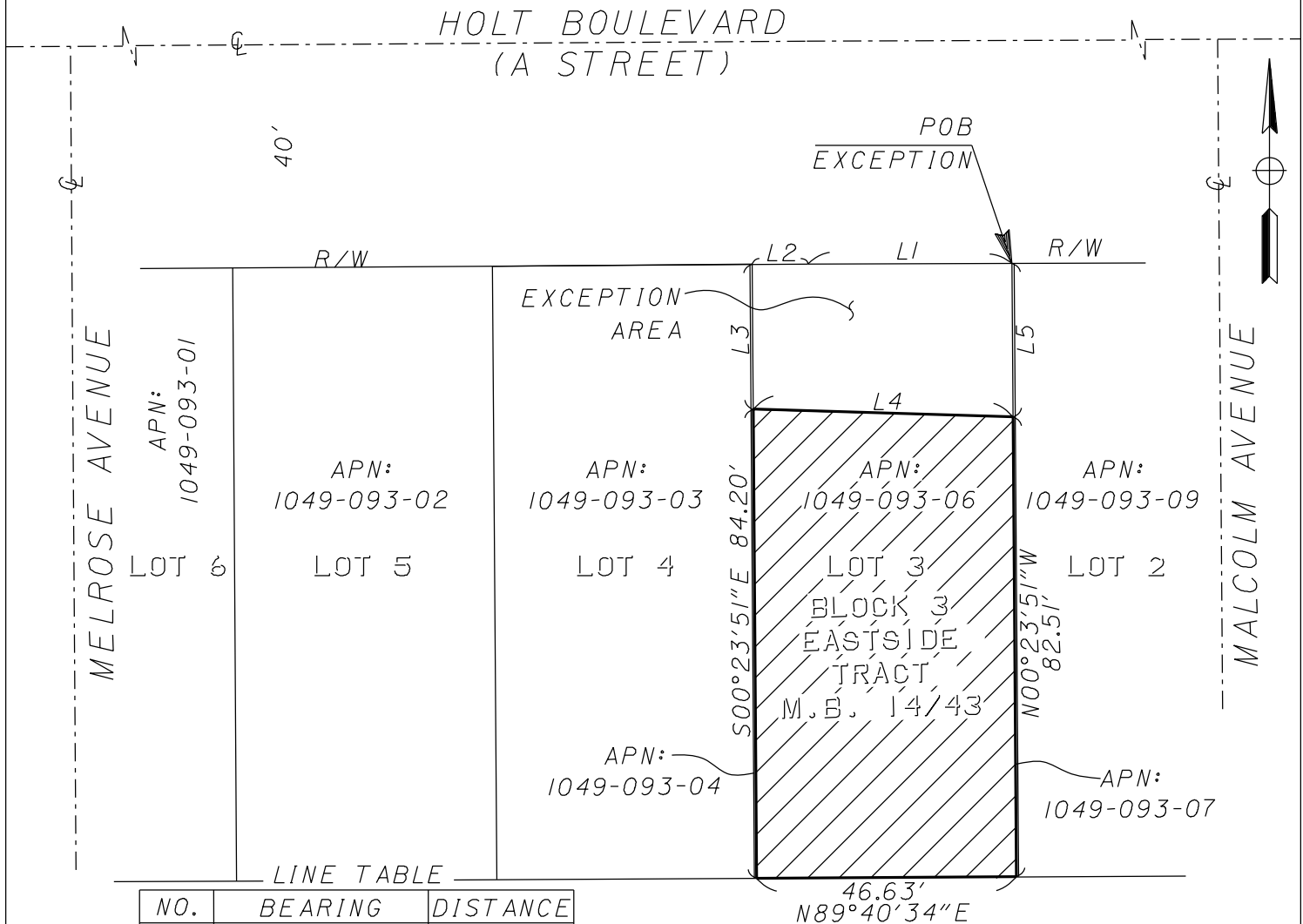
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/21/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-093-06 | TEMPORARY CONSTRUCTION EASEMENT | 3,887 SF |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

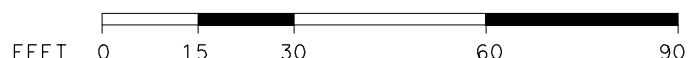
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/21/2021

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: 1049-093-06 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85699) | | 1845574.363 | 6669907.012 | 0.000 |
| | S 0°23'51" E | 84.20 | | | |
| POT (| 85703) | | 1845490.168 | 6669907.596 | 0.000 |
| | N 89°40'34" E | 46.63 | | | |
| POT (| 85702) | | 1845490.432 | 6669954.225 | 0.000 |
| | N 0°23'51" W | 82.51 | | | |
| POT (| 85698) | | 1845572.939 | 6669953.652 | 0.000 |
| | N 88°15'05" W | 46.66 | | | |
| POT (| 85699) | | 1845574.363 | 6669907.012 | 0.000 |

Northing Error: -0.003 ft
 Easting Error: 0.003 ft
 Closing Direction: N 46°30'50" W
 Closing Distance: 0.004 ft
 Closed Area: 3886.8 sq ft (0.1 ac)
 Perimeter: 259.999 ft
 Precision: 69668.927

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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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

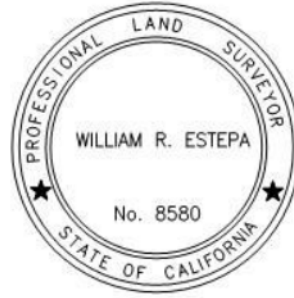
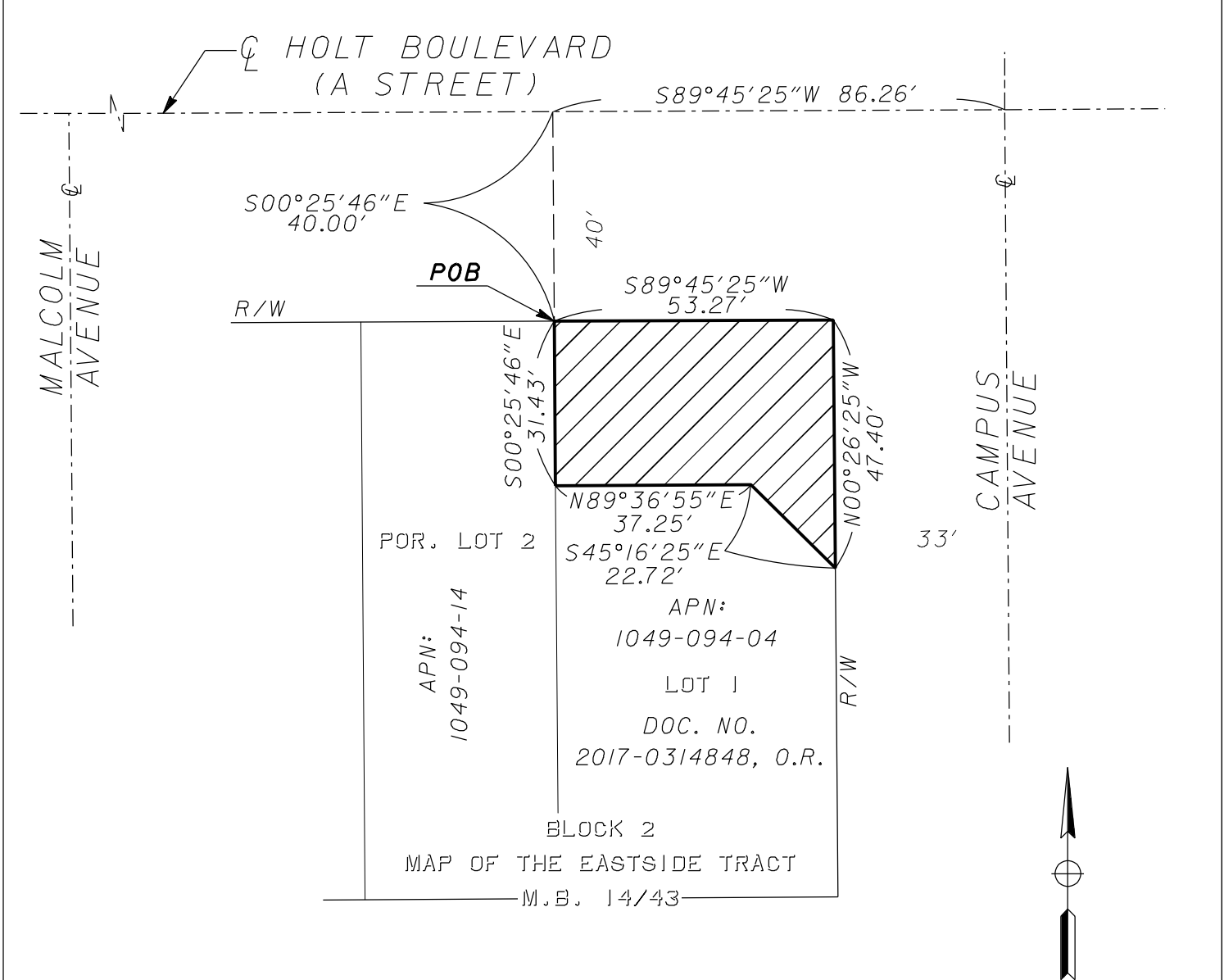


EXHIBIT B

| 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

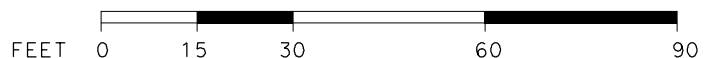
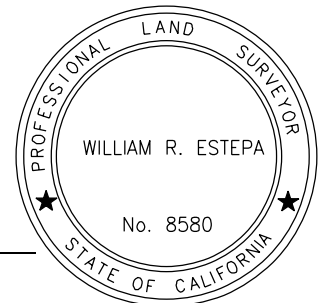
R/W Right-of-Way

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

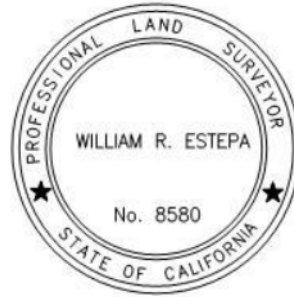
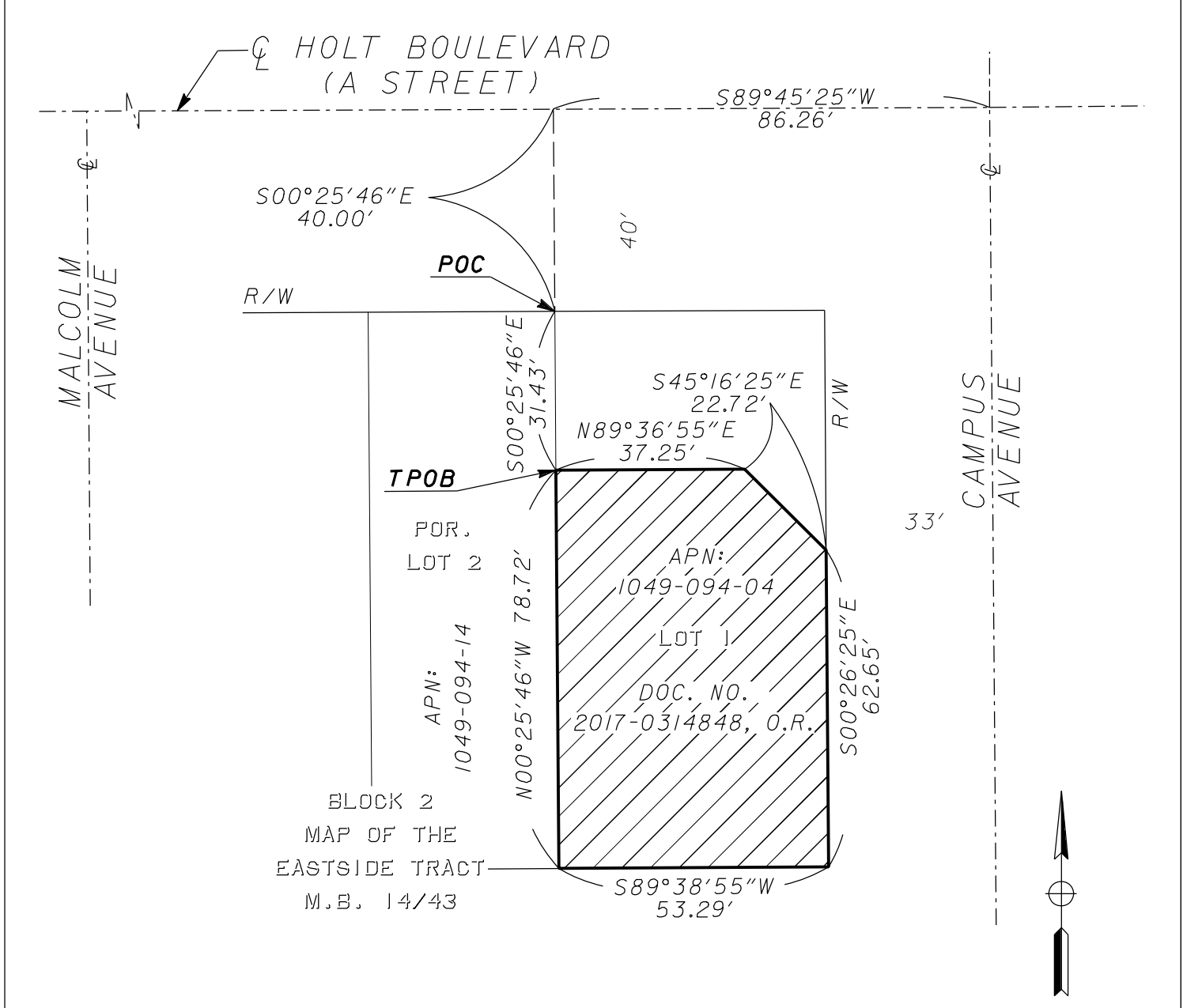


EXHIBIT B

| 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

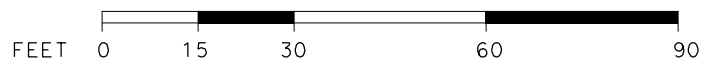
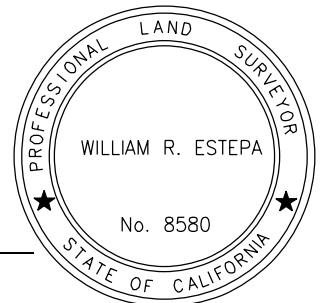
TPOB True Point of Beginning

R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

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;

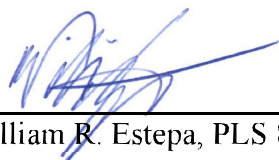
Thence along said northerly line North 89°45'25" East 36.90 feet to the **Point of Beginning**.

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

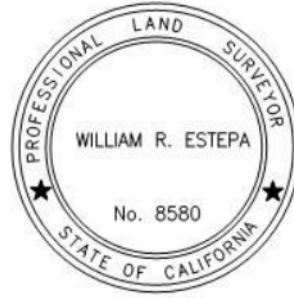


EXHIBIT B

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

HOLT BOULEVARD
 (A STREET)

MALCOLM AVENUE

CAMPUS AVENUE

WESTERLY LINE OF LOT 2

LOT 2

LOT 1

LOT 3

DOC. NO. 2017-0314848, O.R.

BLOCK 2

MAP OF THE EASTSIDE TRACT

M.B. 14/43

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

07/28/2021

WILLIAM R. ESTEPA, PLS 8580 DATE

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

FEET 0 15 30 60 90

| | | | | |
|--------------|-------------|--------|-----------|--------------|
| PREPARED BY: | PREPARED BY | SCALE | SHEET NO. | TOTAL SHEETS |
| PSOMAS | TKR | 1"=30' | 1 | 1 |

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

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;

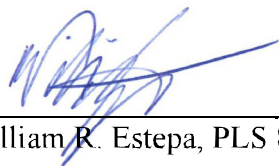
Thence along said easterly line of said Lot 2 North 00°25'46" West 78.72 feet to the **True Point of Beginning**.

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

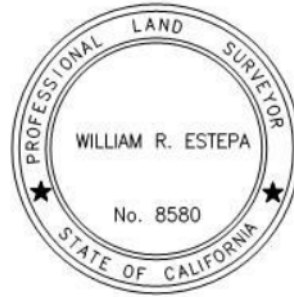
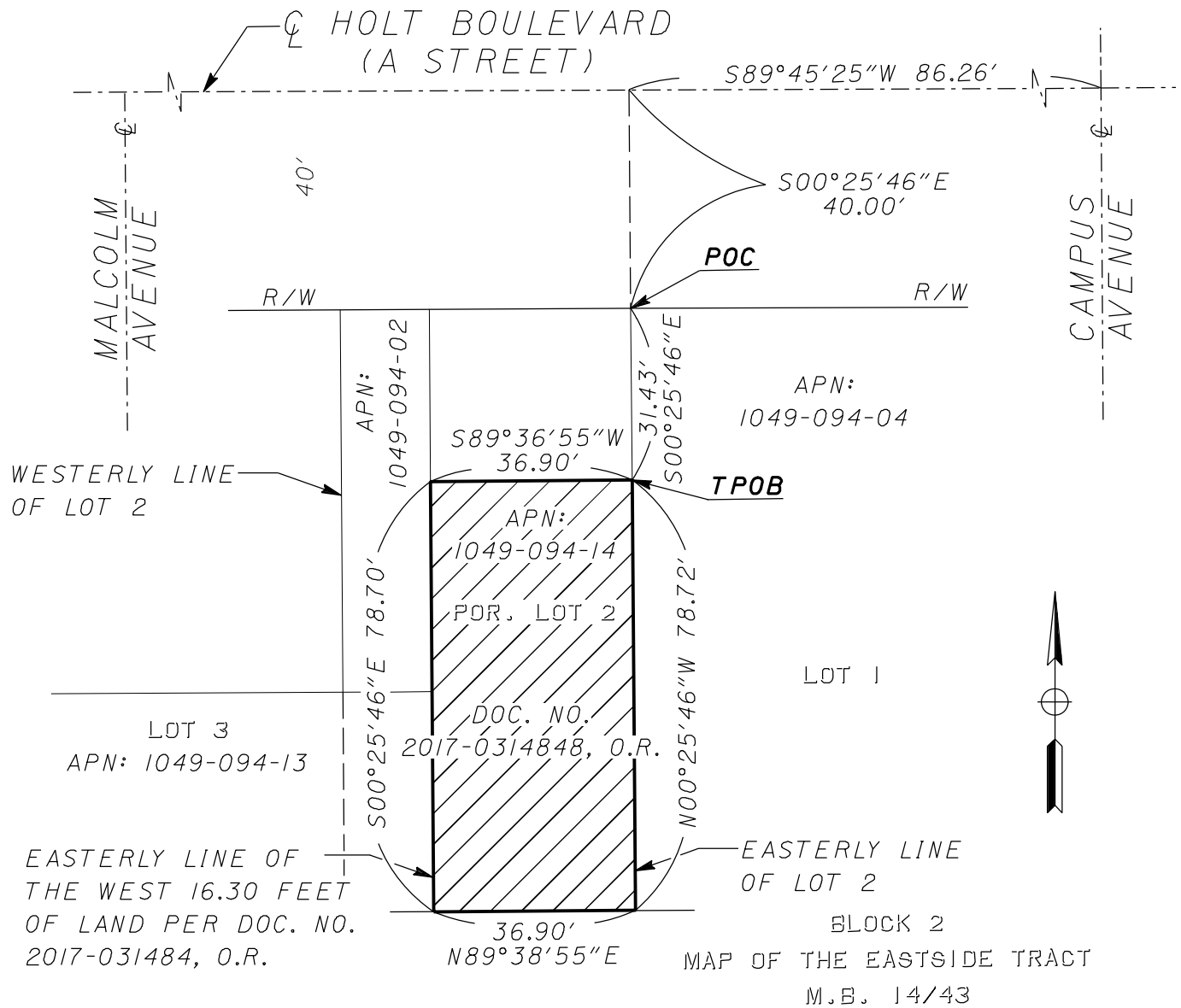


EXHIBIT B

| 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

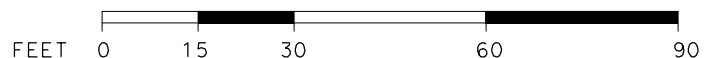
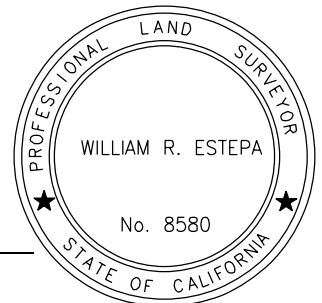
R/W Right-of-Way

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. 23-005

**SUSAN NA, TRUSTEE OR ANY
SUCCESSOR TRUSTEES IN TRUST, FOR
THE SUSAN NA REVOCABLE LIVING
TRUST, UTD JANUARY 8, 1993, AND ANY
AMENDMENTS PROPERTY
(APN 1049-063-01)**

RESOLUTION NO. 23-005

**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 ASSESSORS
PARCEL NO. 1049-063-01**

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 204 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-063-01 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,140 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 7,917 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-063-01

Those portions of Lots 5 and 6 of Block 51, Map of the Town of Ontario, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 9, Page 43 of Maps in the office of the County Recorder of said County, described as follows:

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

thence along the centerline of said Holt Boulevard North $89^{\circ}37'01''$ East 129.87 feet to the northerly prolongation of the easterly line of said Lot 5;

thence along said northerly prolongation South $00^{\circ}22'47''$ East 40.00 feet to the northeasterly corner of said Lot 5 and the **True Point of Beginning**;

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

thence leaving said easterly line South $89^{\circ}36'55''$ West 81.10 feet;

thence South $44^{\circ}18'06''$ West 20.78 feet;

thence South $89^{\circ}36'06''$ West 1.16 feet to the westerly line of said Lot 6;

thence along said westerly line North $00^{\circ}22'39''$ West 25.24 feet to the northwesterly corner of said Lot 6;

thence along the northerly lines of said Lots 6 and 5 North $89^{\circ}37'01''$ East 96.87 feet to the **True Point of Beginning**.

Parcel contains 1,140 square feet, more or less.

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

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

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

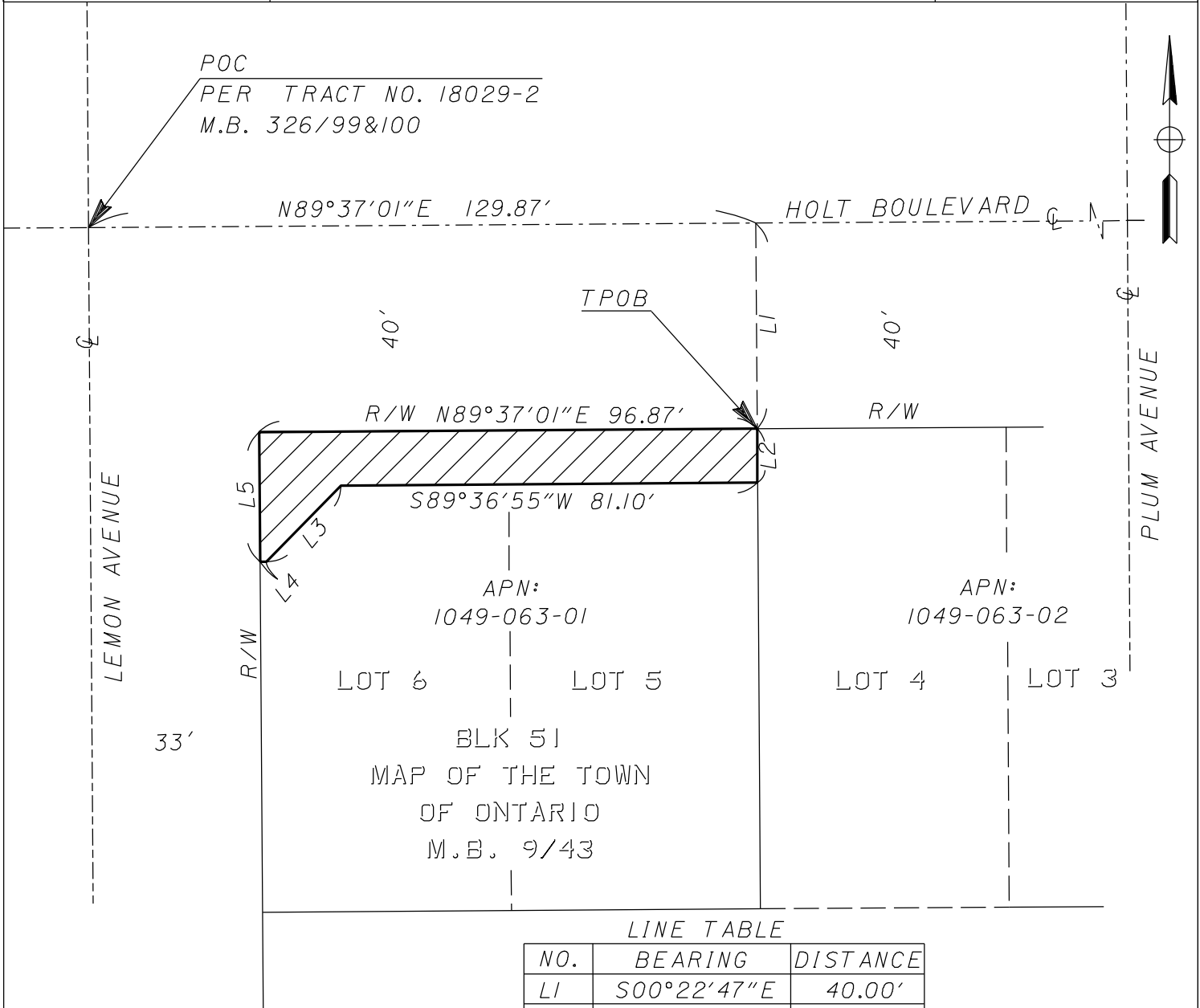
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/19/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-063-01 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,140 SF |



LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|--------------|----------|
| L1 | S00°22'47\"E | 40.00' |
| L2 | S00°22'47\"E | 10.47' |
| L3 | S44°18'06\"W | 20.78' |
| L4 | S89°36'06\"W | 1.16' |
| L5 | N00°22'39\"W | 25.24' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

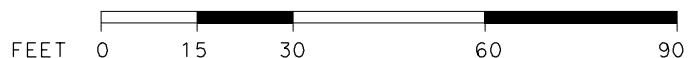
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/19/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-063-01 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85664) | | 1845586.872 | 6667923.896 | 0.000 |
| | S 0°22'47" E | 10.47 | | | |
| POT (| 85665) | | 1845576.402 | 6667923.965 | 0.000 |
| | S 89°36'55" W | 81.10 | | | |
| POT (| 85666) | | 1845575.858 | 6667842.869 | 0.000 |
| | S 44°18'06" W | 20.78 | | | |
| POT (| 85667) | | 1845560.989 | 6667828.358 | 0.000 |
| | S 89°36'06" W | 1.16 | | | |
| POT (| 85668) | | 1845560.981 | 6667827.195 | 0.000 |
| | N 0°22'39" W | 25.24 | | | |
| POT (| 85669) | | 1845586.225 | 6667827.028 | 0.000 |
| | N 89°37'01" E | 96.87 | | | |
| POT (| 85664) | | 1845586.872 | 6667923.896 | 0.000 |

Northing Error: -0.007 ft
 Easting Error: -0.001 ft
 Closing Direction: N 5°52'11" E
 Closing Distance: 0.007 ft
 Closed Area: 1139.5 sq ft (0.0 ac)
 Perimeter: 235.623 ft
 Precision: 33562.737

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-063-01

Those portions of Lots 5 and 6 of Block 51, Map of the Town of Ontario, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 9, Page 43 of Maps in the office of the County Recorder of said County, described as follows:

EXCEPT THEREFROM that portion described as follows:

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

thence along the centerline of said Holt Boulevard North 89°37'01" East 129.87 feet to the northerly prolongation of the easterly line of said Lot 5;

thence along said northerly prolongation South 00°22'47" East 40.00 feet to the northeasterly corner of said Lot 5 and the **True Point of Beginning**;

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

thence leaving said easterly line South 89°36'55" West 81.10 feet;

thence South 44°18'06" West 20.78 feet;

thence South 89°36'06" West 1.16 feet to the westerly line of said Lot 6;

thence along said westerly line North 00°22'39" West 25.24 feet to the northwesterly corner of said Lot 6;

thence along the northerly lines of said Lots 6 and 5 North 89°37'01" East 96.87 feet to the **True Point of Beginning**.

Parcel contains 7,917 square feet, more or less.

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

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

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

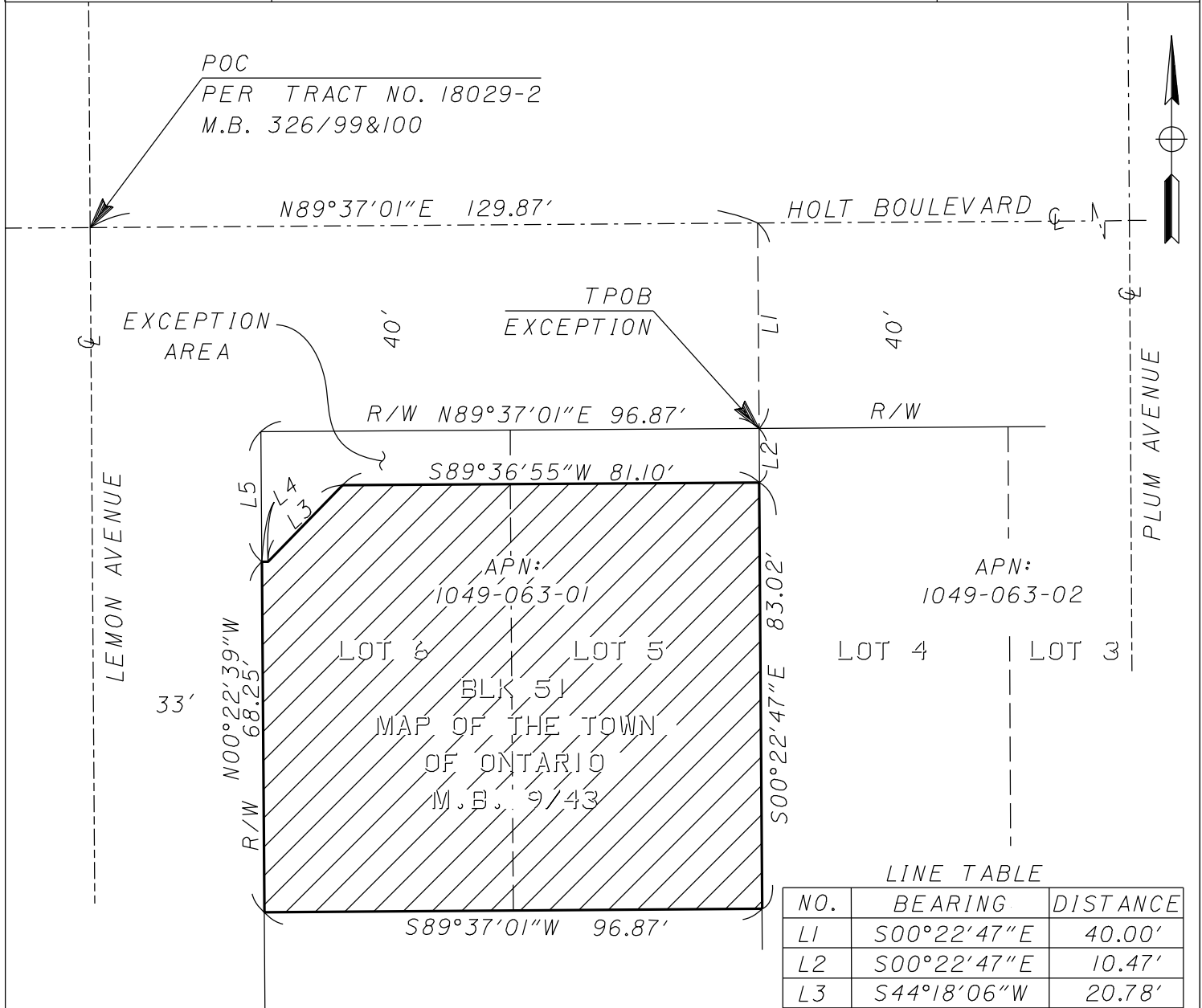
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/19/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-063-01 | TEMPORARY CONSTRUCTION EASEMENT | 7,917 SF |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

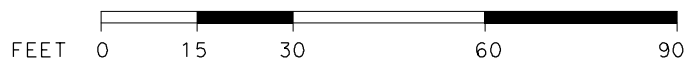
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/19/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-063-01 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85665) | | 1845576.402 | 6667923.965 | 0.000 |
| | S 0°22'47" E | 83.02 | | | |
| POT (| 85670) | | 1845493.381 | 6667924.516 | 0.000 |
| | S 89°37'01" W | 96.87 | | | |
| POT (| 85671) | | 1845492.734 | 6667827.644 | 0.000 |
| | N 0°22'39" W | 68.25 | | | |
| POT (| 85668) | | 1845560.981 | 6667827.195 | 0.000 |
| | N 89°36'06" E | 1.16 | | | |
| POT (| 85667) | | 1845560.989 | 6667828.358 | 0.000 |
| | N 44°18'06" E | 20.78 | | | |
| POT (| 85666) | | 1845575.858 | 6667842.869 | 0.000 |
| | N 89°36'55" E | 81.10 | | | |
| POT (| 85665) | | 1845576.402 | 6667923.965 | 0.000 |

Northing Error: 0.007 ft
 Easting Error: 0.004 ft
 Closing Direction: S 31°47'41" W
 Closing Distance: 0.008 ft
 Closed Area: 7917.4 sq ft (0.2 ac)
 Perimeter: 351.183 ft
 Precision: 42595.125

RESOLUTION OF NECESSITY No. 23-006
MARLENA BELICHESKY, TRUSTEE OF THE
BELICHESKY-FILIPOVIC TRUST, DATED
JUNE 23, 2006 PROPERTY
(APNS 1049-094-01 & 1049-094-02)

RESOLUTION NO. 23-006

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. 1049-094-01 & 1049-094-02

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

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

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

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

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

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

WHEREAS, portions of the real property located at 652 and 654 E. Holt Boulevard, Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1049-094-01 and 1049-094-02 (the "Property") are required for the Project. The specific portions of the Property required for the Project are a total approximate 2,261 square foot permanent easement area and a total approximate 2,617 square foot temporary construction easement with a term of twenty-four months (collectively the "Subject Property Interests"). The Subject Property Interests consist of an approximate 1,745 square foot permanent easement on APN 1049-094-01 legally described and depicted in Exhibit "1" hereto, an approximate 1,987 square foot temporary construction easement with a term of twenty-four months on APN 1049-094-01 legally described and depicted in Exhibit "2" hereto, an approximate 516 square foot permanent easement on APN 1049-094-02 legally described and depicted in Exhibit "3" hereto, and an approximate 630 square foot temporary construction easement with a term of twenty-four months 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-094-01

That portion of Lot 3 of Block 2 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 3 more particularly described in the Grant Deed recorded July 10, 2006 as Document No. 2006-0466569 of Official Records, in the office of said County Recorder, described as follows:

Beginning at the northeasterly corner of said Lot 3;

Thence along the easterly line of said Lot 3 South 00°25'08" East 31.57 feet;

Thence leaving said easterly line South 89°36'55" West 42.27 feet;

Thence South 44°42'24" West 15.53 feet to the westerly line of said Lot 3;

Thence along said westerly line North 00°24'29" West 42.66 feet to the northerly line of said Lot 3;


Thence along said northerly line North 89°45'25" East 53.26 feet to the **Point of Beginning**.

Containing 1,745 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: 07/27/2021

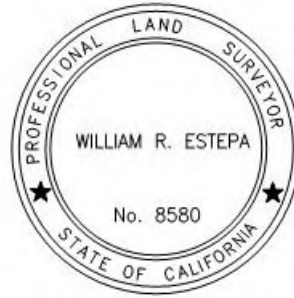
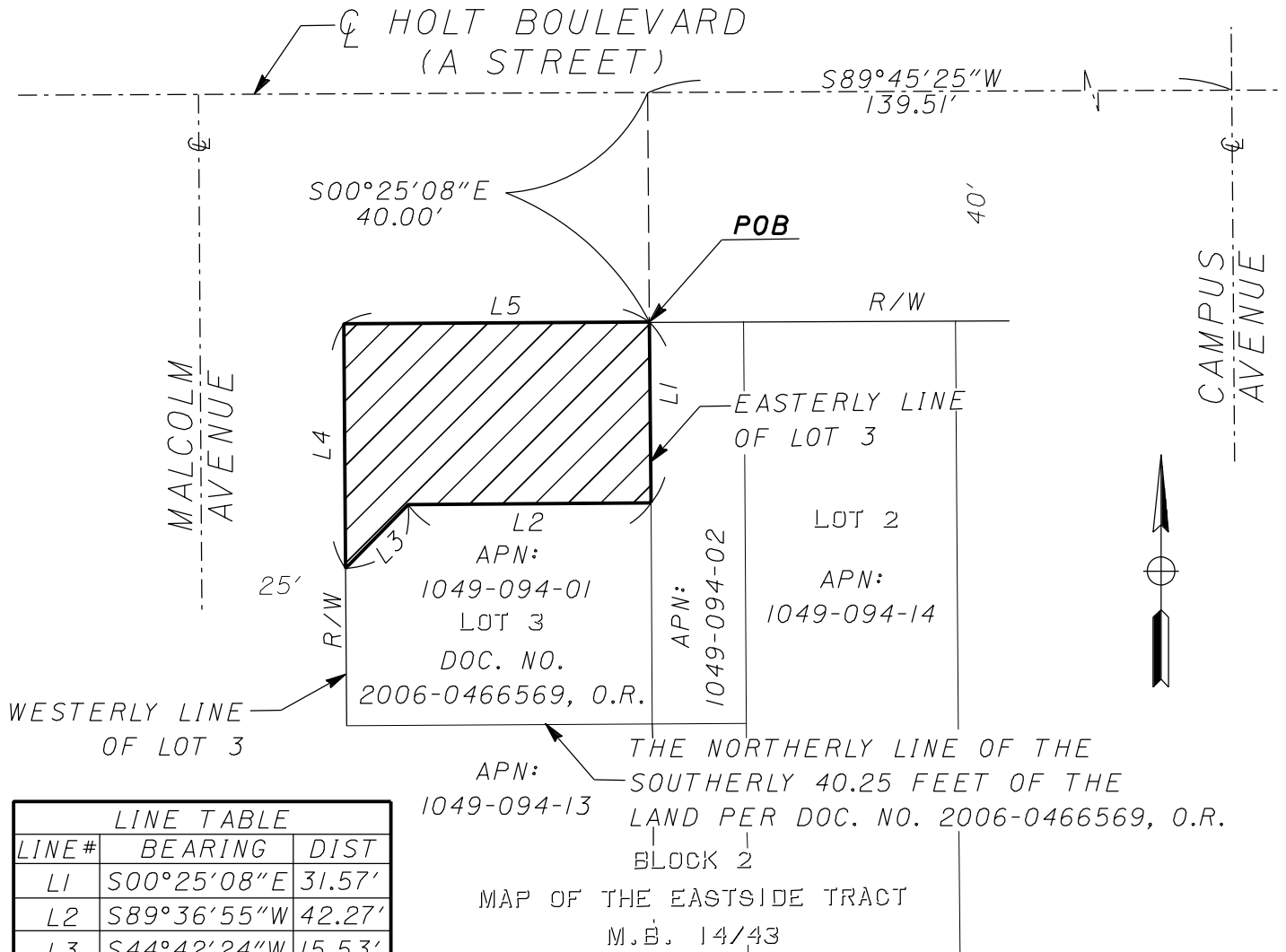


EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-094-01 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,745 SF |



| LINE TABLE | | |
|------------|-------------|--------|
| LINE# | BEARING | DIST |
| L1 | S00°25'08"E | 31.57' |
| L2 | S89°36'55"W | 42.27' |
| L3 | S44°42'24"W | 15.53' |
| L4 | N00°24'29"W | 42.66' |
| L5 | N89°45'25"E | 53.26' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

POB Point of Beginning

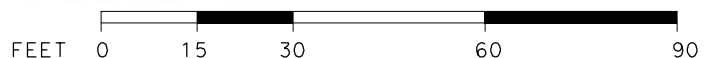
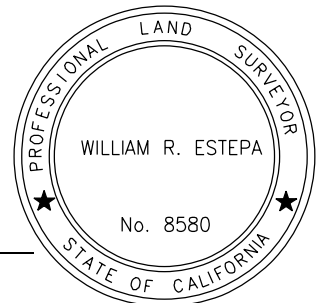
R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

07/27/2021

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: 1049-094-01
Description: ROW
Style: Default

| | STATION | NORTHING | EASTING |
|--------------------|----------------|------------|------------|
| Element: Linear | | | |
| POB (70213) | 0+00.00 | 1845601.42 | 6670149.98 |
| PI (70214) | 0+31.57 | 1845569.85 | 6670150.21 |
| Tangent Direction: | S 0^25'08" E | | |
| Tangent Length: | 31.57 | | |
| Element: Linear | | | |
| PI (70214) | 0+31.57 | 1845569.85 | 6670150.21 |
| PI (70216) | 0+73.83 | 1845569.57 | 6670107.95 |
| Tangent Direction: | S 89^36'55" W | | |
| Tangent Length: | 42.27 | | |
| Element: Linear | | | |
| PI (70216) | 0+73.83 | 1845569.57 | 6670107.95 |
| PI (70217) | 0+89.36 | 1845558.54 | 6670097.02 |
| Tangent Direction: | S 44^42'24" W | | |
| Tangent Length: | 15.53 | | |
| Element: Linear | | | |
| PI (70217) | 0+89.36 | 1845558.54 | 6670097.02 |
| PI (70218) | 1+32.02 | 1845601.19 | 6670096.72 |
| Tangent Direction: | N 0^24'29" W | | |
| Tangent Length: | 42.66 | | |
| Element: Linear | | | |
| PI (70218) | 1+32.02 | 1845601.19 | 6670096.72 |
| POE (70213) | 1+85.28 | 1845601.42 | 6670149.98 |
| Tangent Direction: | N 89^45'25" E | | |
| Tangent Length: | 53.26 | | |
| Area: | 1745.2 sq.feet | 0.0 acres | |

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-094-01

That portion of Lot 3 of Block 2 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 3 more particularly described in the Grant Deed recorded July 10, 2006 as Document No. 2006-0466569 of Official Records, in the office of said County Recorder, described as follows:

Commencing at the northeasterly corner of said Lot 3;

Thence along the easterly line of said Lot 3 South 00°25'08" East 31.57 feet to the **True Point of Beginning**;

Thence leaving said easterly line South 89°36'55" West 42.27 feet;

Thence South 44°42'24" West 15.53 feet to the westerly line of said Lot 3;

Thence along said westerly line South 00°24'29" East 27.45 feet along the northerly line of the land described in said Grant Deed;

Thence along said northerly line North 89°38'55" East 53.28 feet to said easterly line;


Thence along said easterly line North 00°25'08" West 38.44 feet to the **True Point of Beginning**.

Containing 1,987 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: 07/27/2021

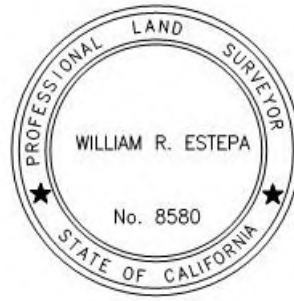
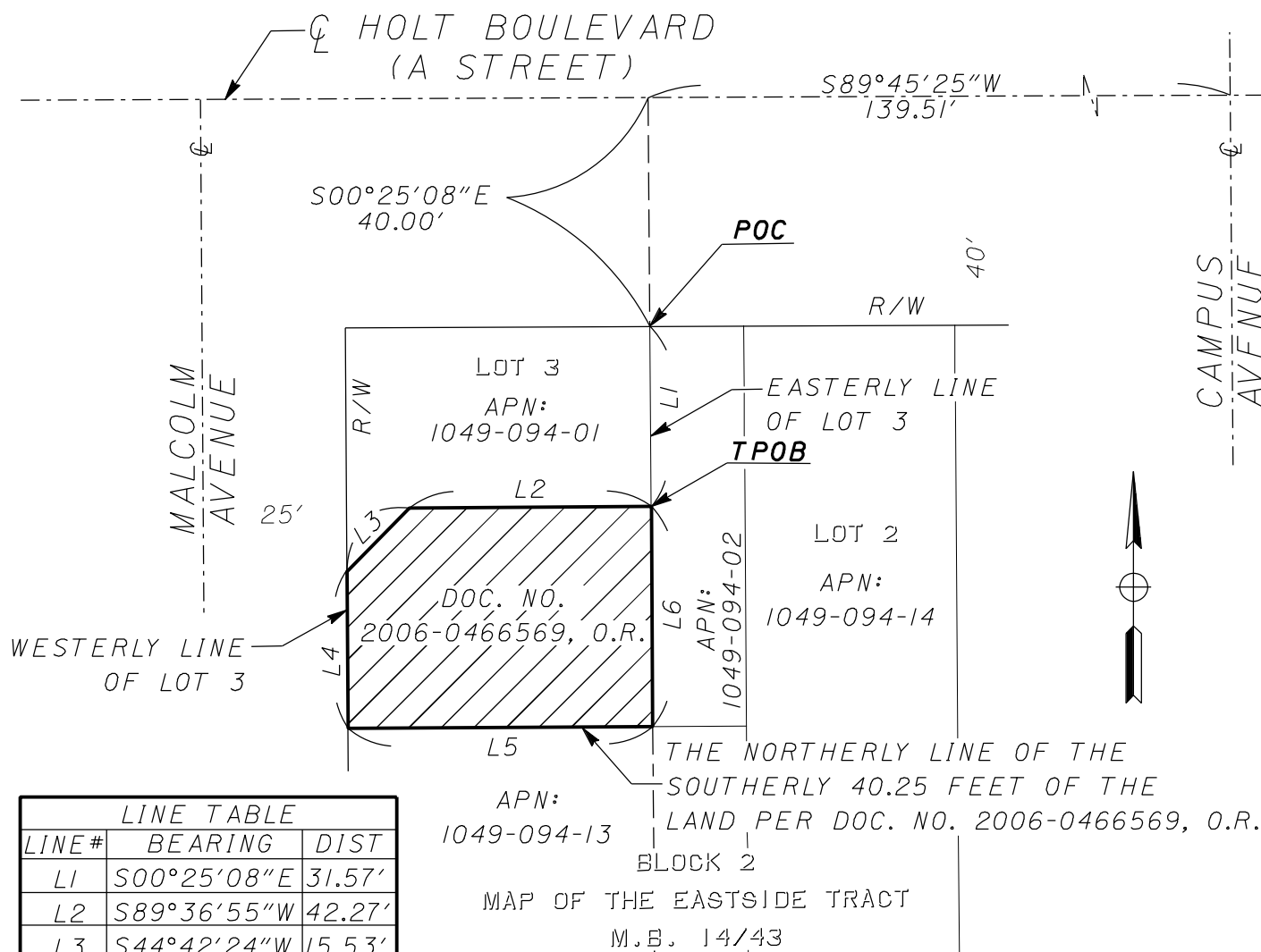


EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-094-01 | TEMPORARY CONSTRUCTION EASEMENT | 1,987 SF |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

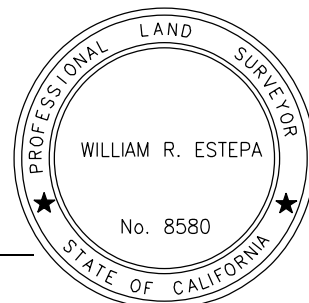
POC Point Of Commencement

TPOB True Point of Beginning

R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

WILLIAM R. ESTEPA, PLS 8580 DATE 07/27/2021



FEET 0 15 30 60 90

PREPARED BY:

PSOMAS

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

PREPARED BY
TKR

SCALE

1"=30'

SHEET NO.

1

TOTAL SHEETS

1

Project Name: Default
Description:
Horizontal Alignment Name: 1049-094-01 TCE
Description: TCE
Style: Default

| | STATION | NORTHING | EASTING |
|--------------------|----------------|------------|------------|
| Element: Linear | | | |
| POB (70214) | 0+00.00 | 1845569.85 | 6670150.21 |
| PI (70216) | 0+42.27 | 1845569.57 | 6670107.95 |
| Tangent Direction: | S 89^36'55" W | | |
| Tangent Length: | 42.27 | | |
| Element: Linear | | | |
| PI (70216) | 0+42.27 | 1845569.57 | 6670107.95 |
| PI (70217) | 0+57.79 | 1845558.54 | 6670097.02 |
| Tangent Direction: | S 44^42'24" W | | |
| Tangent Length: | 15.53 | | |
| Element: Linear | | | |
| PI (70217) | 0+57.79 | 1845558.54 | 6670097.02 |
| PI (70219) | 0+85.25 | 1845531.09 | 6670097.22 |
| Tangent Direction: | S 0^24'29" E | | |
| Tangent Length: | 27.45 | | |
| Element: Linear | | | |
| PI (70219) | 0+85.25 | 1845531.09 | 6670097.22 |
| PI (70215) | 1+38.52 | 1845531.41 | 6670150.49 |
| Tangent Direction: | N 89^38'55" E | | |
| Tangent Length: | 53.28 | | |
| Element: Linear | | | |
| PI (70215) | 1+38.52 | 1845531.41 | 6670150.49 |
| POE (70214) | 1+76.97 | 1845569.85 | 6670150.21 |
| Tangent Direction: | N 0^25'08" W | | |
| Tangent Length: | 38.44 | | |
| Area: | 1986.9 sq.feet | 0.0 acres | |

EXHIBIT “3”

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

APN: 1049-094-02

That portion of Lot 2 of Block 2 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 Grant Deed recorded July 10, 2006 as Document No. 2006-0466569 of Official Records, in the office of said County Recorder, described as follows:

Beginning at the northwesterly corner of said Lot 2;

Thence along the westerly line of said Lot 2 South 00°25'08" East 31.57 feet;

Thence leaving said westerly line North 89°36'55" East 16.37 feet to the westerly line of the land described in said Grant Deed;

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


Thence along said northerly line South 89°45'25" West 16.37 feet to the **Point of Beginning**.

Containing 516 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

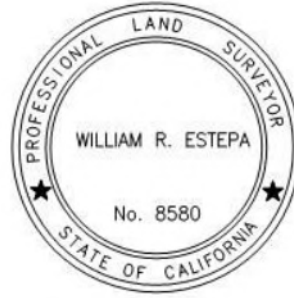
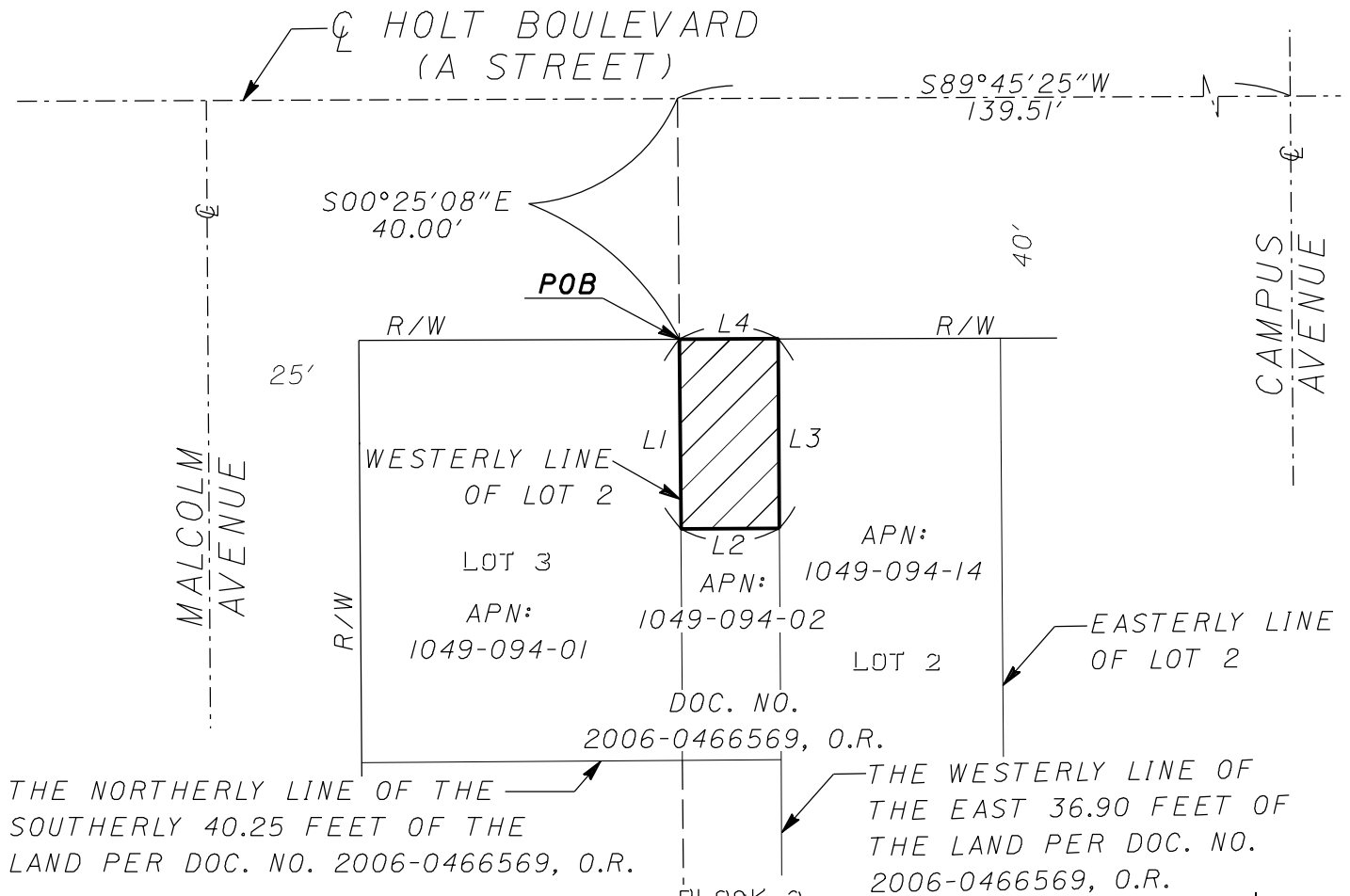


EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|--------|
| 1049-094-02 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 516 SF |



| LINE TABLE | | |
|------------|-------------|--------|
| LINE# | BEARING | DIST |
| L1 | S00°25'08"E | 31.57' |
| L2 | N89°36'55"E | 16.37' |
| L3 | N00°25'46"W | 31.53' |
| L4 | S89°45'25"W | 16.37' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

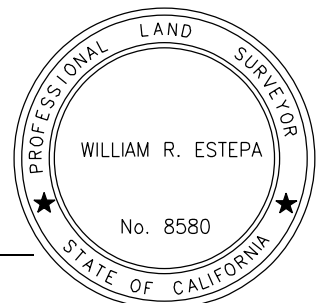
POB Point of Beginning

R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

WILLIAM R. ESTEPA, PLS 8580 DATE

07/28/2021



FEET 0 15 30 60 90

PREPARED BY:

PSOMAS

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

PREPARED
BY

TKR

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Project Name: Default
Description:
Horizontal Alignment Name: 1049-094-02
Description: ROW
Style: Default

| | STATION | NORTHING | EASTING |
|--------------------|---------------|------------|------------|
| Element: Linear | | | |
| POB (70213) | 0+00.00 | 1845601.42 | 6670149.98 |
| PI (70214) | 0+31.57 | 1845569.85 | 6670150.21 |
| Tangent Direction: | S 0^25'08" E | | |
| Tangent Length: | 31.57 | | |
| Element: Linear | | | |
| PI (70214) | 0+31.57 | 1845569.85 | 6670150.21 |
| PI (70209) | 0+47.94 | 1845569.96 | 6670166.58 |
| Tangent Direction: | N 89^36'55" E | | |
| Tangent Length: | 16.37 | | |
| Element: Linear | | | |
| PI (70209) | 0+47.94 | 1845569.96 | 6670166.58 |
| PI (70210) | 0+79.46 | 1845601.49 | 6670166.35 |
| Tangent Direction: | N 0^25'46" W | | |
| Tangent Length: | 31.53 | | |
| Element: Linear | | | |
| PI (70210) | 0+79.46 | 1845601.49 | 6670166.35 |
| POE (70213) | 0+95.83 | 1845601.42 | 6670149.98 |
| Tangent Direction: | S 89^45'25" W | | |
| Tangent Length: | 16.37 | | |
| Area: | 516.3 sq.feet | 0.0 acres | |

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-094-02

That portion of Lot 2 of Block 2 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 Grant Deed recorded July 10, 2006 as Document No. 2006-0466569 of Official Records, in the office of said County Recorder, described as follows:

Commencing at the northwesterly corner of said Lot 2;

Thence along the westerly line of said Lot 2 South 00°25'08" East 31.57 feet to the **True Point of Beginning**;

Thence leaving said westerly line North 89°36'55" East 16.37 feet to the westerly line of the land described in said Grant Deed;

Thence along said westerly line of the land described in said Grant Deed South 00°25'46" East 38.45 feet to the northerly line of the land described in said Grant Deed;

Thence along said northerly line South 89°45'25" West 16.38 feet to said westerly line of said Lot 2;

thence along said westerly line of said Lot 2 North 00°25'08" West 38.44 feet to the **True Point of Beginning**.

Containing 630 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

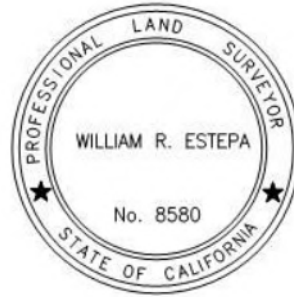
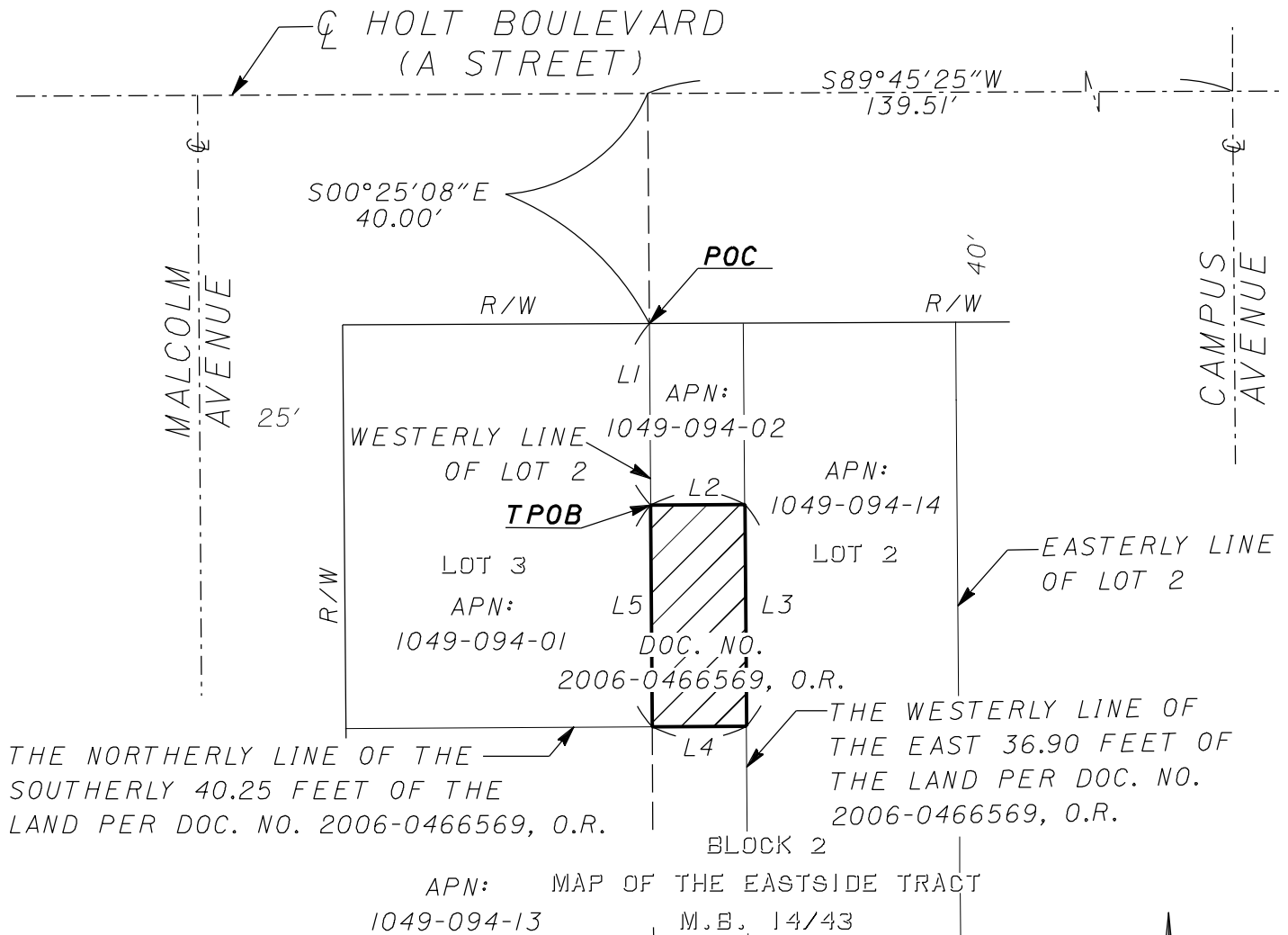


EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|--------|
| 1049-094-02 | TEMPORARY CONSTRUCTION EASEMENT | 630 SF |



| LINE TABLE | | |
|------------|-------------|--------|
| LINE # | BEARING | |
| L1 | S00°25'08"E | 31.57' |
| L2 | N89°36'55"E | 16.37' |
| L3 | S00°25'46"E | 38.45' |
| L4 | S89°38'55"W | 16.38' |
| L5 | N00°25'08"W | 38.44' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

POC Point Of Commencement

TPOB True Point of Beginning

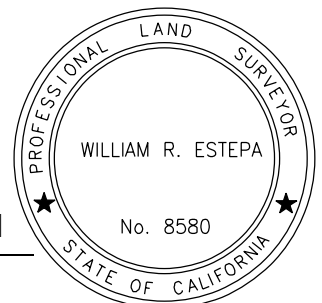
R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

07/28/2021

WILLIAM R. ESTEPA, PLS 8580 DATE



FEET 0 15 30 60 90

PREPARED BY:

PSOMAS

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

PREPARED
BY

TKR

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Project Name: Default
Description:
Horizontal Alignment Name: 1049-094-02 TCE
Description: TCE
Style: Default

| | STATION | NORTHING | EASTING |
|--------------------|---------------|------------|------------|
| Element: Linear | | | |
| POB (70214) | 0+00.00 | 1845569.85 | 6670150.21 |
| PI (70209) | 0+16.37 | 1845569.96 | 6670166.58 |
| Tangent Direction: | N 89^36'55" E | | |
| Tangent Length: | 16.37 | | |
| Element: Linear | | | |
| PI (70209) | 0+16.37 | 1845569.96 | 6670166.58 |
| PI (70220) | 0+54.82 | 1845531.51 | 6670166.87 |
| Tangent Direction: | S 0^25'46" E | | |
| Tangent Length: | 38.45 | | |
| Element: Linear | | | |
| PI (70220) | 0+54.82 | 1845531.51 | 6670166.87 |
| PI (70215) | 0+71.20 | 1845531.41 | 6670150.49 |
| Tangent Direction: | S 89^38'55" W | | |
| Tangent Length: | 16.38 | | |
| Element: Linear | | | |
| PI (70215) | 0+71.20 | 1845531.41 | 6670150.49 |
| POE (70214) | 1+09.65 | 1845569.85 | 6670150.21 |
| Tangent Direction: | N 0^25'08" W | | |
| Tangent Length: | 38.44 | | |
| Area: | 629.6 sq.feet | 0.0 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

(c) The public interest and necessity require the acquisition by eminent domain 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 July 6, 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 July 6, 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).

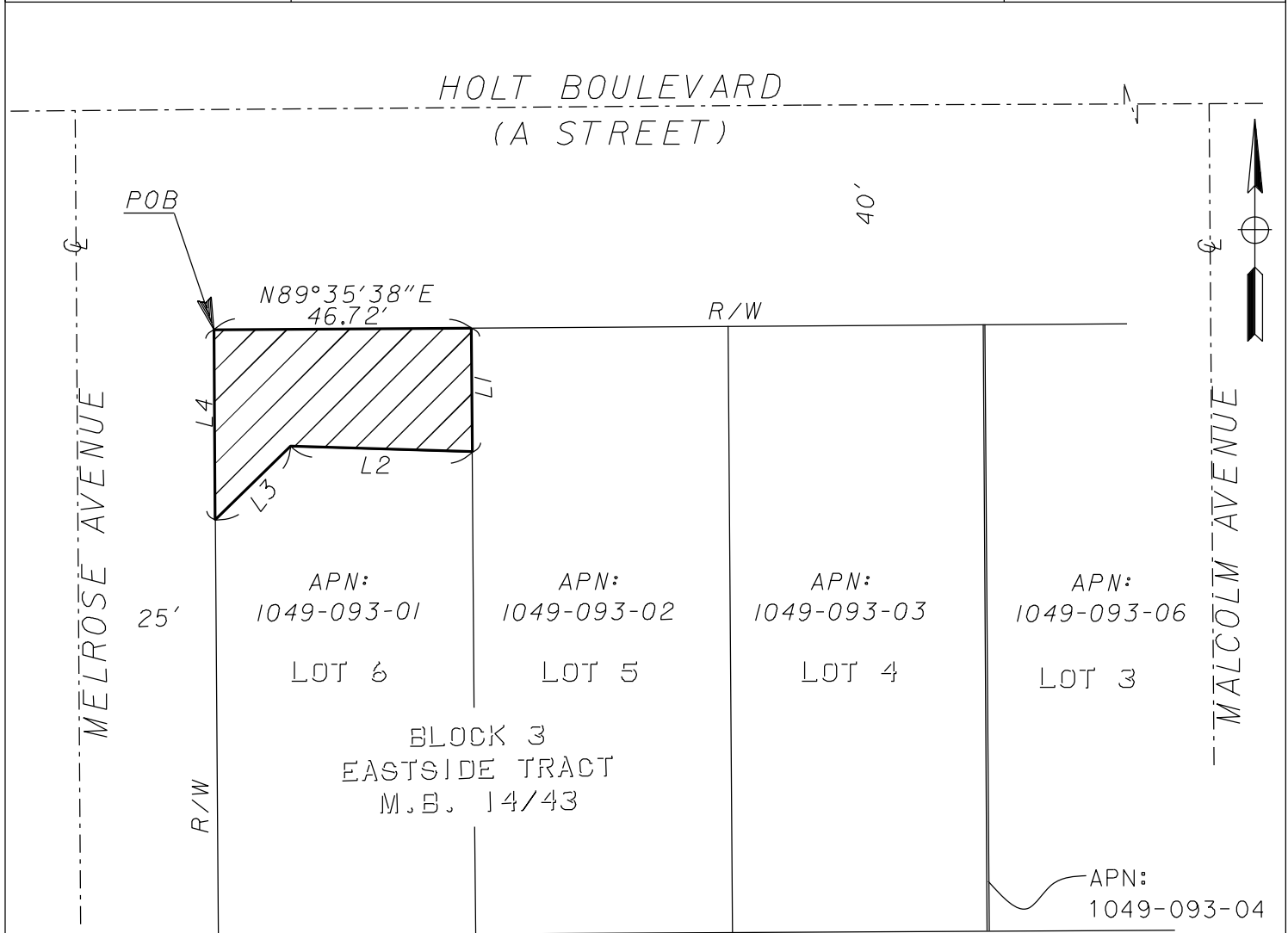
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

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

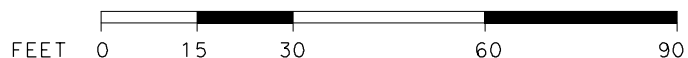
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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°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 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).

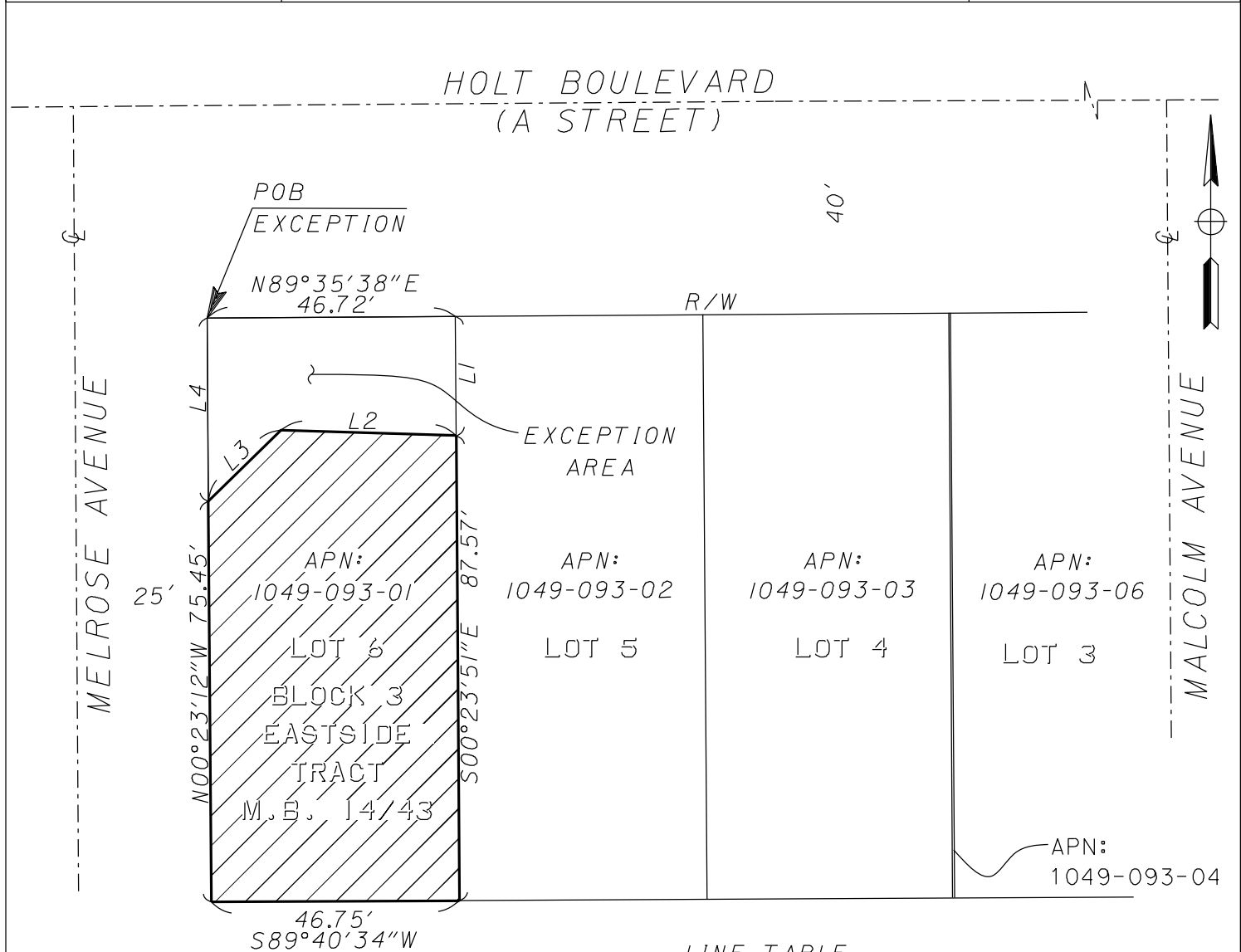
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

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

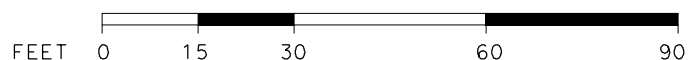
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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. 23-008

ANGELICA RODRIGUEZ PROPERTY

(APNS 1049-093-07 & 1049-093-09)

RESOLUTION NO. 23-008

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 1049-093-07 & 1049-093-09

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 640 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-093-07 and 1049-093-09 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,327 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 3,808 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-093-07 & 1049-093-09

That portion of Lot 2 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 2;

thence along the northerly line of said Lot 2 North 89°45'25" East 46.63 feet to the northeasterly corner of said Lot 2;

thence along the easterly line of said Lot 2 South 00°23'51" East 29.27 feet;

thence leaving said easterly line North 88°15'05" West 46.66 feet to the westerly line of said Lot 2;

thence along said westerly line North 00°23'51" West 27.65 feet to the **Point of Beginning**.

Parcel contains 1,327 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).

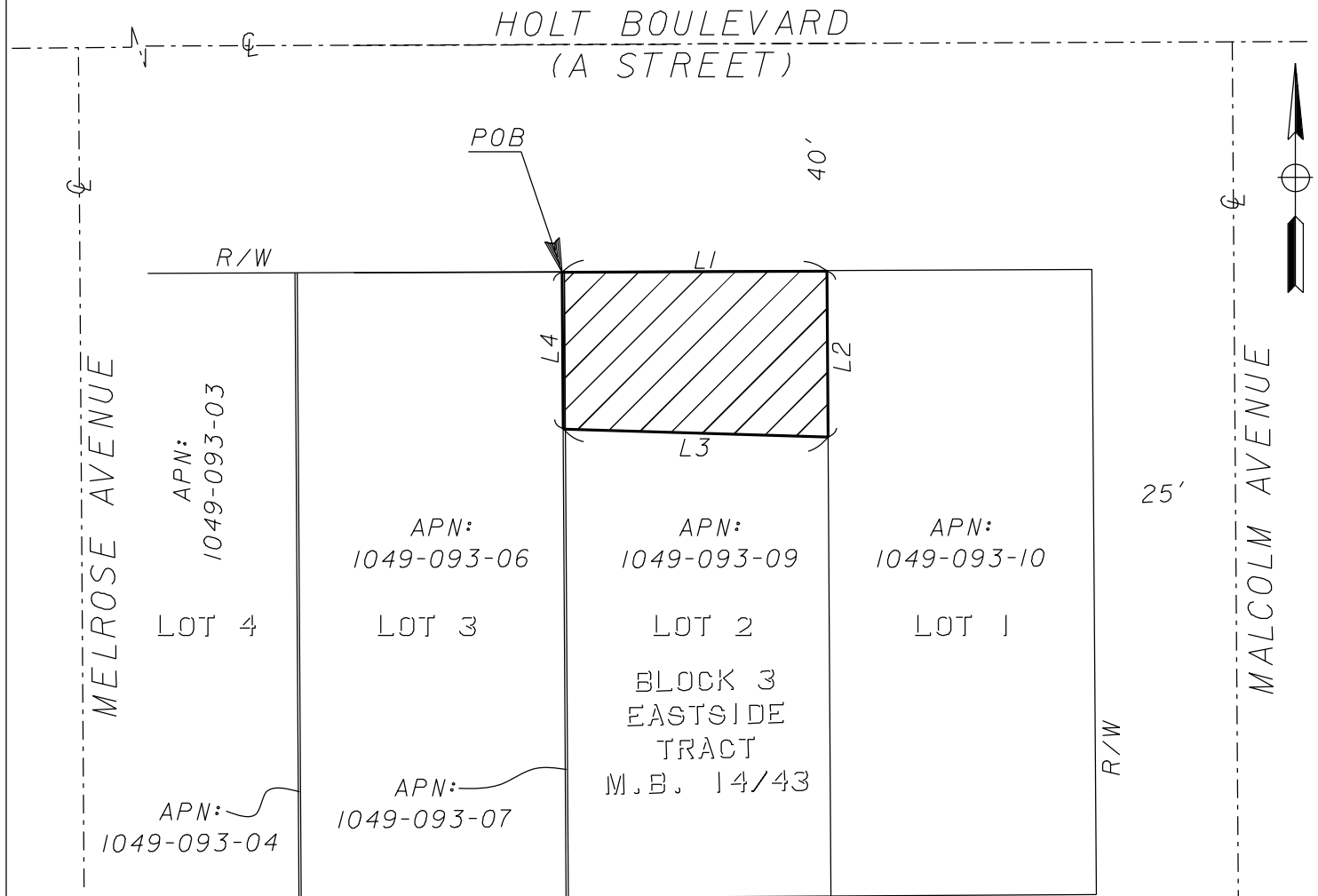
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/21/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-093-07 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,327 SF |
| 1049-093-09 | | |



LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | N89°45'25"E | 46.63' |
| L2 | S00°23'51"E | 29.27' |
| L3 | N88°15'05"W | 46.66' |
| L4 | N00°23'51"W | 27.65' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

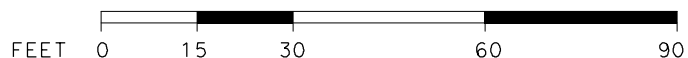
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/21/2021

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: 1049-093-07&09 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85695) | | 1845600.587 | 6669953.461 | 0.000 |
| | N 89°45'25" E | 46.63 | | | |
| POT (| 85696) | | 1845600.785 | 6670000.090 | 0.000 |
| | S 0°23'51" E | 29.27 | | | |
| POT (| 85697) | | 1845571.515 | 6670000.293 | 0.000 |
| | N 88°15'05" W | 46.66 | | | |
| POT (| 85698) | | 1845572.939 | 6669953.652 | 0.000 |
| | N 0°23'51" W | 27.65 | | | |
| POT (| 85695) | | 1845600.587 | 6669953.461 | 0.000 |

Northing Error: 0.002 ft
 Easting Error: 0.003 ft
 Closing Direction: S 57°09'00" W
 Closing Distance: 0.003 ft
 Closed Area: 1327.0 sq ft (0.0 ac)
 Perimeter: 150.210 ft
 Precision: 49534.642

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-093-07 & 1049-093-09

Lot 2 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 2;

thence along the northerly line of said Lot 2 North 89°45'25" East 46.63 feet to the northeasterly corner of said Lot 2;

thence along the easterly line of said Lot 2 South 00°23'51" East 29.27 feet;

thence leaving said easterly line North 88°15'05" West 46.66 feet to the westerly line of said Lot 2;

thence along said westerly line North 00°23'51" West 27.65 feet to the **Point of Beginning**.

Parcel contains 3,808 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).

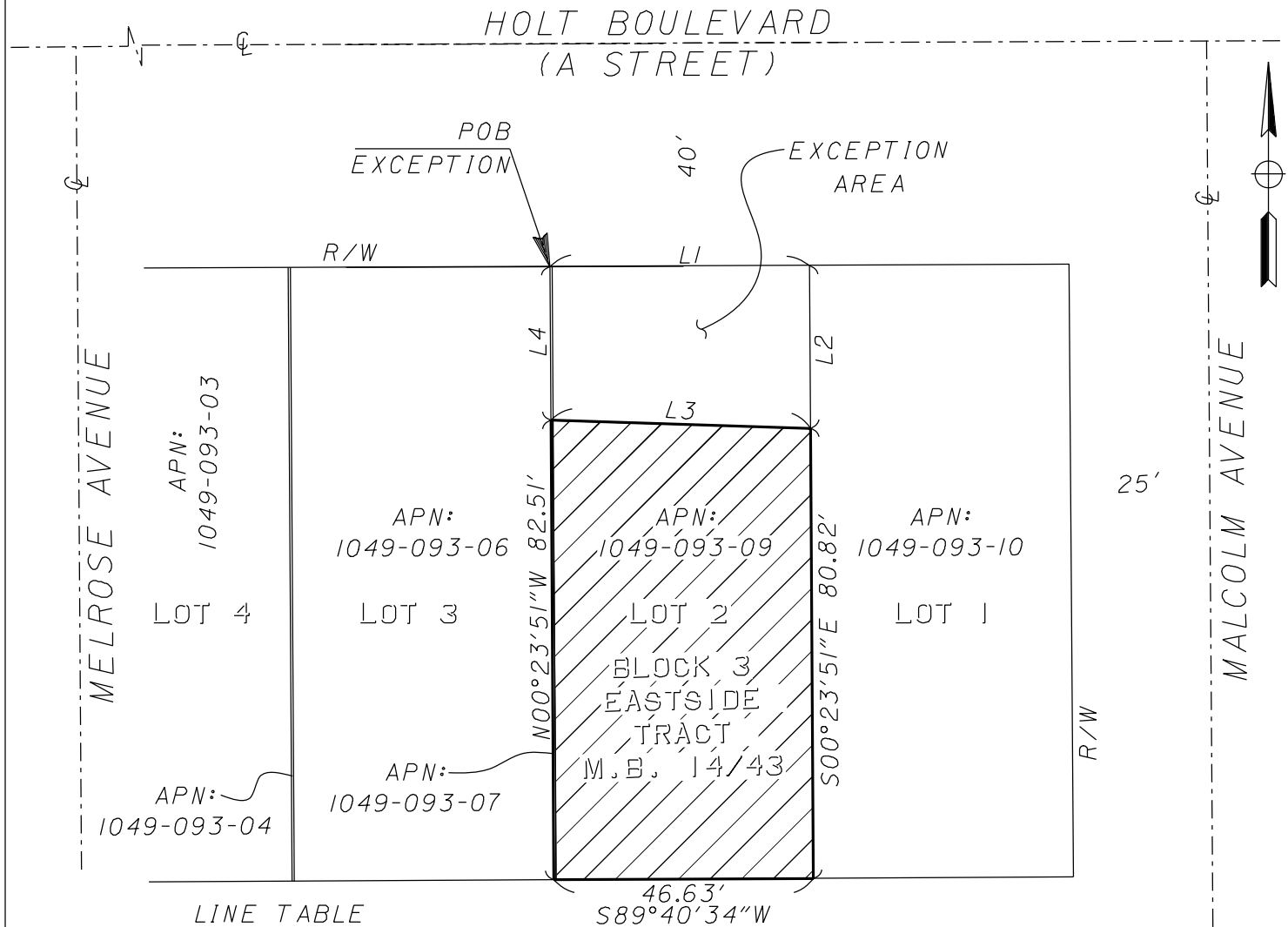
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/21/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-093-07 | TEMPORARY CONSTRUCTION EASEMENT | 3,808 SF |
| 1049-093-09 | | |



LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | N89°45'25"E | 46.63' |
| L2 | S00°23'51"E | 29.27' |
| L3 | N88°15'05"W | 46.66' |
| L4 | N00°23'51"W | 27.65' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

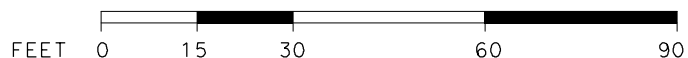
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/21/2021

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: 1049-093-07&09 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85697) | | 1845571.515 | 6670000.293 | 0.000 |
| | S 0°23'51" E | 80.82 | | | |
| POT (| 85701) | | 1845490.695 | 6670000.854 | 0.000 |
| | S 89°40'34" W | 46.63 | | | |
| POT (| 85702) | | 1845490.432 | 6669954.225 | 0.000 |
| | N 0°23'51" W | 82.51 | | | |
| POT (| 85698) | | 1845572.939 | 6669953.652 | 0.000 |
| | S 88°15'05" E | 46.66 | | | |
| POT (| 85697) | | 1845571.515 | 6670000.293 | 0.000 |

Northing Error: 0.003 ft
 Easting Error: -0.003 ft
 Closing Direction: S 46°30'50" E
 Closing Distance: 0.004 ft
 Closed Area: 3808.1 sq ft (0.1 ac)
 Perimeter: 256.624 ft
 Precision: 68763.231

RESOLUTION OF NECESSITY No. 23-009
PHUOC BANH AND KY BANH PROPERTY
(APN 1049-066-02)

RESOLUTION NO. 23-009

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. 1049-066-02

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

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

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

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

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

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

WHEREAS, portions of the real property located at 444 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-066-02 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 4,785 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 26,283 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-066-02

Those portions of Lots 1, 2, 3, 4 and 9, 10, 11, 12 of Block 49 of the Map of the Town of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 9, Page 43 of Tract Maps, in the office of the County Recorder of said County, said portions of lots more particularly described in the Grant Deed recorded December 16, 2014 as Document No. 2014-0478657 of Official Records, in the office of the County Recorder of said County, described as follows:

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

Thence along the centerline of said Holt Boulevard South 89°35'01" West 199.18 feet to the intersection with the northerly prolongation of the westerly line of said land as described in said Grant Deed;

Thence leaving said centerline and along said northerly prolongation South 00°26'26" East 40.00 feet to the northwesterly corner of said land as described in said Grant Deed and the **True Point of Beginning**;

Thence along the westerly line of said land as described in said Grant Deed South 00°26'26" East 27.90 feet;

Thence leaving said westerly line South 88°15'05" East 10.25 feet;

Thence North 89°36'55" East 143.25 feet;

Thence South 45°29'31" East 17.92 feet to the easterly line of said land as described in said Grant Deed;

Thence along said easterly line North 00°26'26" West 41.02 feet to the northeasterly corner of said land as described in said Grant Deed;

Thence along the northerly line of said land as described in said Grant Deed South 89°35'01" West 166.18 feet to the **True Point of Beginning**.

Containing 4,785 square feet, more or less.

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

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

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

Signature: 
William R. Estepa, PLS 8580

Date: 07/29/2021

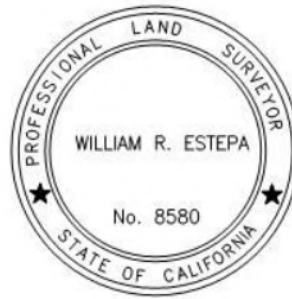
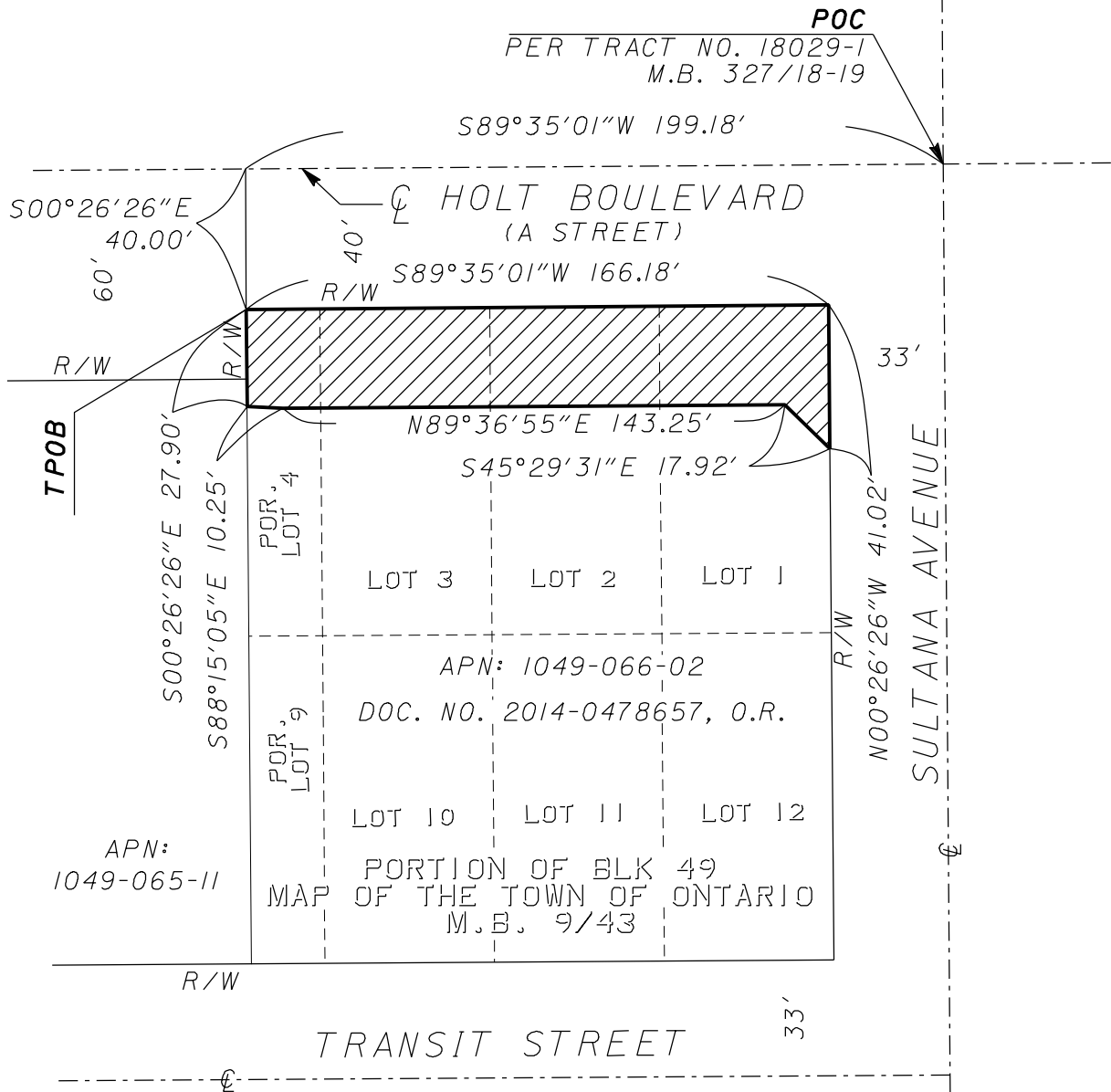


EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---|----------|
| 1049-066-02 | EASEMENT DEED FOR RIGHT OF WAY DEDICATION | 4,785 SF |



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

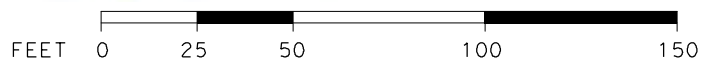
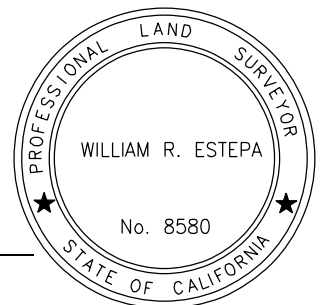
R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

07/29/2021

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

JS

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Project Name: WVC - RIV
 Description: COPY OF OC ALG
 Horizontal Alignment Name: 1049-066-02 ROW
 Description: ROW ESMT
 Style: V_ROW

| | STATION | NORTHING | EASTING |
|--------------------|-----------------|--------------|--------------|
| Element: Linear | | | |
| POB (1726) | 0.00 | 1845591.8214 | 6668664.2418 |
| PI (1730) | 27.90 | 1845563.9242 | 6668664.4563 |
| Tangent Direction: | S 0°26'26" E | | |
| Tangent Length: | 27.90 | | |
| Element: Linear | | | |
| PI (1730) | 27.90 | 1845563.9242 | 6668664.4563 |
| PI (1734) | 38.15 | 1845563.6114 | 6668674.7029 |
| Tangent Direction: | S 88°15'05" E | | |
| Tangent Length: | 10.25 | | |
| Element: Linear | | | |
| PI (1734) | 38.15 | 1845563.6114 | 6668674.7029 |
| PI (1729) | 181.40 | 1845564.5735 | 6668817.9535 |
| Tangent Direction: | N 89°36'55" E | | |
| Tangent Length: | 143.25 | | |
| Element: Linear | | | |
| PI (1729) | 181.40 | 1845564.5735 | 6668817.9535 |
| PI (1728) | 199.32 | 1845552.0127 | 6668830.7319 |
| Tangent Direction: | S 45°29'31" E | | |
| Tangent Length: | 17.92 | | |
| Element: Linear | | | |
| PI (1728) | 199.32 | 1845552.0127 | 6668830.7319 |
| PI (1727) | 240.34 | 1845593.0293 | 6668830.4165 |
| Tangent Direction: | N 0°26'26" W | | |
| Tangent Length: | 41.02 | | |
| Element: Linear | | | |
| PI (1727) | 240.34 | 1845593.0293 | 6668830.4165 |
| POE (1726) | 406.52 | 1845591.8214 | 6668664.2418 |
| Tangent Direction: | S 89°35'01" W | | |
| Tangent Length: | 166.18 | | |
| Area: | 4785.35 sq.feet | 0.11 acres | |

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-066-02

Those portions of Lots 1, 2, 3, 4 and 9, 10, 11, 12 of Block 49 of the Map of the Town of Ontario, in the City of Ontario, County of San Bernardino, State of California, as shown on the map recorded in Book 9, Page 43 of Tract Maps, in the office of the County Recorder of said County, said portions of lots more particularly described in the Grant Deed recorded December 16, 2014 as Document No. 2014-0478657 of Official Records, in the office of the County Recorder of said County, described as follows:

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

Thence along the centerline of said Holt Boulevard South 89°35'01" West 199.18 feet to the intersection with the northerly prolongation of the westerly line of said land as described in said Grant Deed;

Thence leaving said centerline and along said northerly prolongation South 00°26'26" East 40.00 feet to the northwesterly corner of said land as described in said Grant Deed;

Thence along the westerly line of said land as described in said Grant Deed South 00°26'26" East 27.90 feet to the **True Point of Beginning**;

Thence leaving said westerly line South 88°15'05" East 10.25 feet;

Thence North 89°36'55" East 143.25 feet;

Thence South 45°29'31" East 17.92 feet to the easterly line of said land as described in said Grant Deed;

Thence along said easterly line South 00°26'26" East 145.97 feet to the southeasterly corner of said land as described in said Grant Deed;

Thence along the southerly line of said land as described in said Grant Deed South 89°36'27" West 166.18 feet to said westerly line;

Thence along said westerly line North 00°26'26" West 159.02 feet to the **True Point of Beginning**.

Containing 26,283 square feet, more or less.

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

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

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

Signature: _____

William R. Estepa, PLS 8580

Date: 07/29/2021 _____

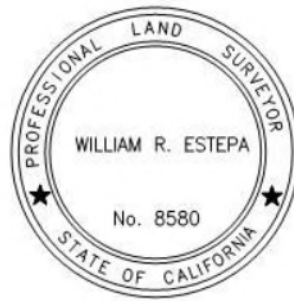
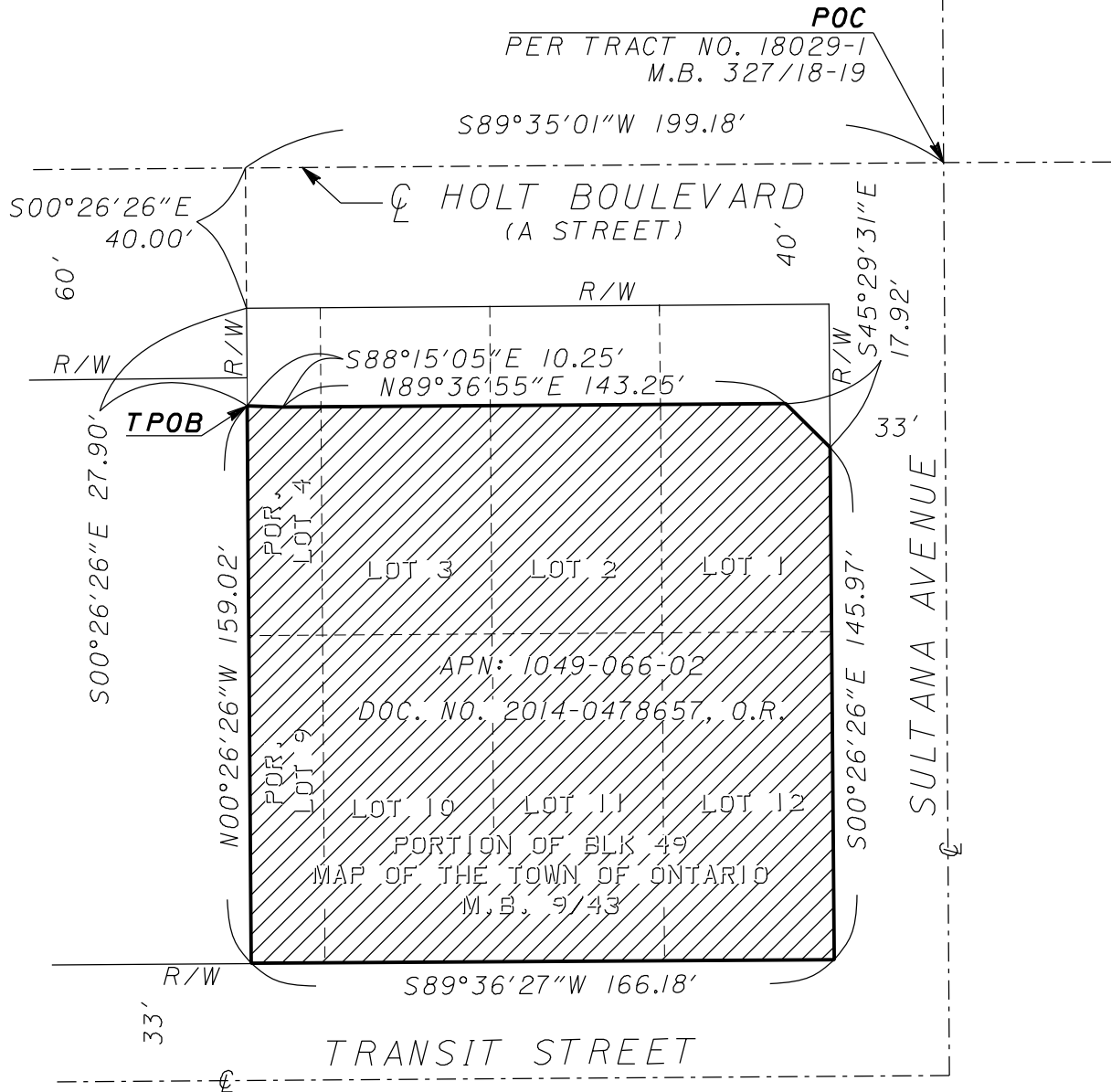


EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|-----------|
| 1049-066-02 | TEMPORARY CONSTRUCTION EASEMENT | 26,283 SF |



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

POC Point Of Commencement

TPOB True Point of Beginning

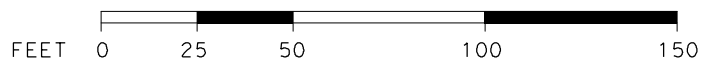
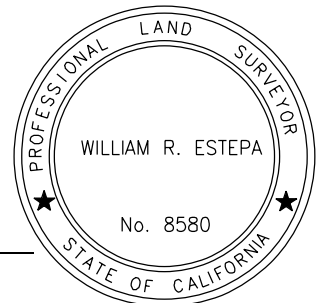
R/W Right-of-Way

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

William R. Estepa

07/29/2021

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

JS

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Project Name: WVC - RIV
 Description: COPY OF OC ALG
 Horizontal Alignment Name: 1049-066-02 TCE
 Description: TEMP. CONST. ESMT.
 Style: V_ALGN_ESMT

| | STATION | NORTHING | EASTING |
|--------------------|------------------|--------------|--------------|
| Element: Linear | | | |
| POB (1730) | 0.00 | 1845563.9242 | 6668664.4563 |
| PI (1734) | 10.25 | 1845563.6114 | 6668674.7029 |
| Tangent Direction: | S 88^15'05" E | | |
| Tangent Length: | 10.25 | | |
| Element: Linear | | | |
| PI (1734) | 10.25 | 1845563.6114 | 6668674.7029 |
| PI (1729) | 153.51 | 1845564.5735 | 6668817.9535 |
| Tangent Direction: | N 89^36'55" E | | |
| Tangent Length: | 143.25 | | |
| Element: Linear | | | |
| PI (1729) | 153.51 | 1845564.5735 | 6668817.9535 |
| PI (1728) | 171.42 | 1845552.0127 | 6668830.7319 |
| Tangent Direction: | S 45^29'31" E | | |
| Tangent Length: | 17.92 | | |
| Element: Linear | | | |
| PI (1728) | 171.42 | 1845552.0127 | 6668830.7319 |
| PI (1731) | 317.39 | 1845406.0458 | 6668831.8544 |
| Tangent Direction: | S 0^26'26" E | | |
| Tangent Length: | 145.97 | | |
| Element: Linear | | | |
| PI (1731) | 317.39 | 1845406.0458 | 6668831.8544 |
| PI (1732) | 483.57 | 1845404.9078 | 6668665.6792 |
| Tangent Direction: | S 89^36'27" W | | |
| Tangent Length: | 166.18 | | |
| Element: Linear | | | |
| PI (1732) | 483.57 | 1845404.9078 | 6668665.6792 |
| POE (1730) | 642.59 | 1845563.9242 | 6668664.4563 |
| Tangent Direction: | N 0^26'26" W | | |
| Tangent Length: | 159.02 | | |
| Area: | 26282.50 sq.feet | 0.60 acres | |

RESOLUTION OF NECESSITY No. 23-010

**JOSE ESPARZA, TRUSTEE OF THE JOSE
ESPARZA REVOCABLE LIVING TRUST
DATED OCTOBER 5, 2015 PROPERTY
(APN 1049-093-02)**

RESOLUTION NO. 23-010

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-093-02

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

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

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

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

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

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

WHEREAS, portions of the real property located at 624 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-093-02 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,090 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 4,044 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-093-02

That portion of Lot 5 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 northeasterly corner of said Lot 5;

thence along the northerly line of said Lot 5 South 89°35'38" West 46.63 feet to the northwesterly corner of said Lot 5;

thence along the westerly line of said Lot 5 South 00°23'51" East 22.49 feet;

thence leaving said westerly line South 88°15'05" East 46.66 feet to the easterly line of said Lot 5;

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

Parcel contains 1,090 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).

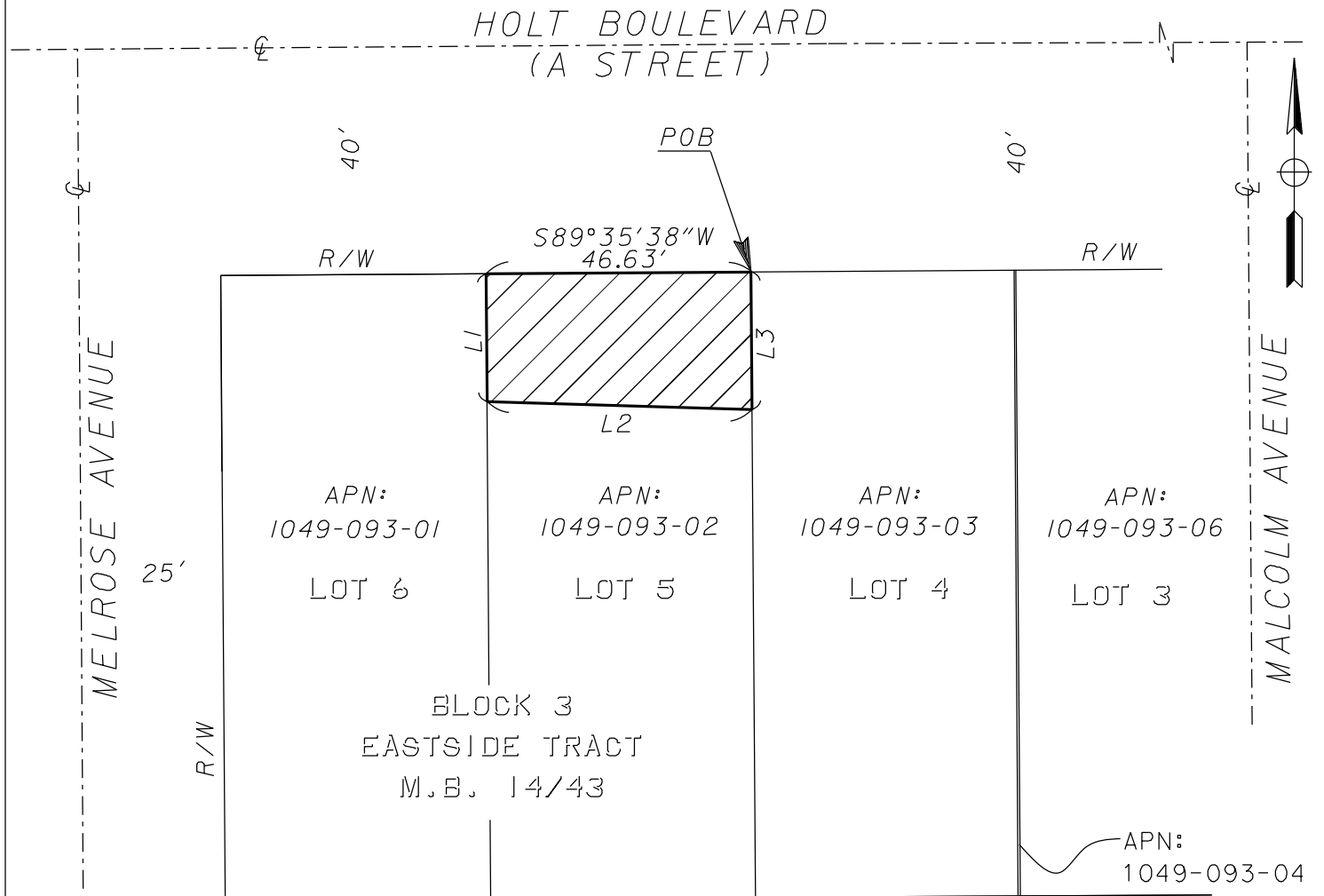
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/21/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-093-02 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,090 SF |



LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | S00°23'51"E | 22.49' |
| L2 | S88°15'05"E | 46.66' |
| L3 | N00°23'51"W | 24.24' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

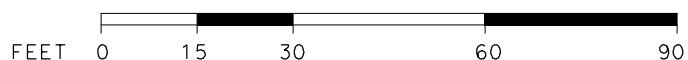
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/21/2021

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: 1049-093-02 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85693) | | 1845600.030 | 6669860.203 | 0.000 |
| | S 89°35'38" W | 46.63 | | | |
| POT (| 85713) | | 1845599.699 | 6669813.574 | 0.000 |
| | S 0°23'51" E | 22.49 | | | |
| POT (| 85710) | | 1845577.211 | 6669813.730 | 0.000 |
| | S 88°15'05" E | 46.66 | | | |
| POT (| 85700) | | 1845575.787 | 6669860.371 | 0.000 |
| | N 0°23'51" W | 24.24 | | | |
| POT (| 85693) | | 1845600.030 | 6669860.203 | 0.000 |

Northing Error: -0.004 ft
 Easting Error: -0.003 ft
 Closing Direction: N 31°48'58" E
 Closing Distance: 0.005 ft
 Closed Area: 1089.6 sq ft (0.0 ac)
 Perimeter: 140.025 ft
 Precision: 27363.668

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-093-02

Lot 5 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 northeasterly corner of said Lot 5;

thence along the northerly line of said Lot 5 South 89°35'38" West 46.63 feet to the northwesterly corner of said Lot 5;

thence along the westerly line of said Lot 5 South 00°23'51" East 22.49 feet;

thence leaving said westerly line South 88°15'05" East 46.66 feet to the easterly line of said Lot 5;

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

Parcel contains 4,044 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).

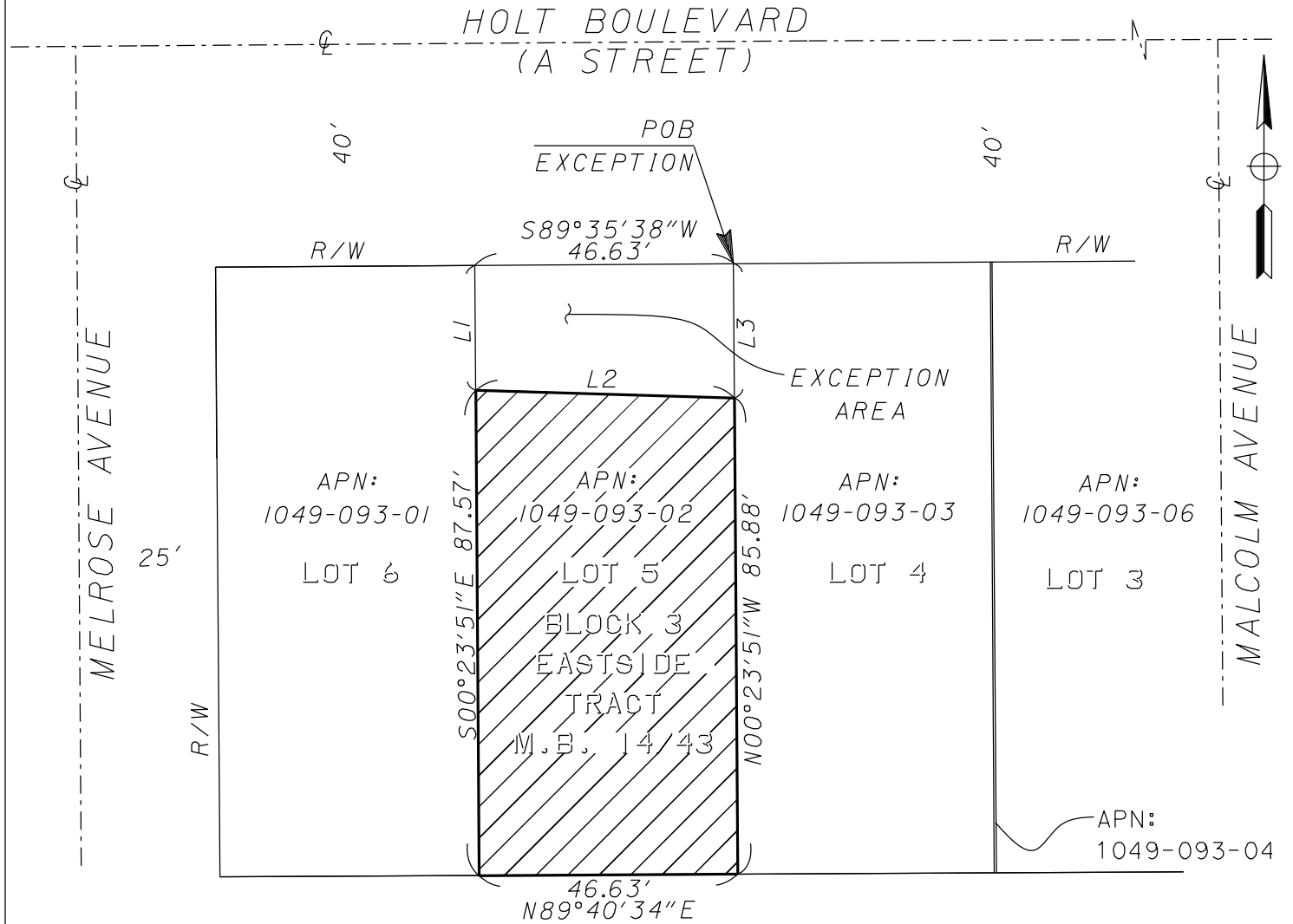
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/21/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-093-02 | TEMPORARY CONSTRUCTION EASEMENT | 4,044 SF |



LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|--------------|----------|
| L1 | S00°23'51\"E | 22.49' |
| L2 | S88°15'05\"E | 46.66' |
| L3 | N00°23'51\"W | 24.24' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

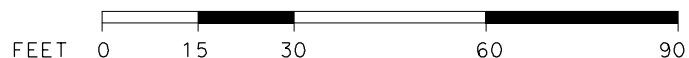
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/21/2021

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: 1049-093-02 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 |
| | N 89°40'34" E | 46.63 | | | |
| POT (| 85704) | | 1845489.904 | 6669860.967 | 0.000 |
| | N 0°23'51" W | 85.88 | | | |
| POT (| 85700) | | 1845575.787 | 6669860.371 | 0.000 |
| | N 88°15'05" W | 46.66 | | | |
| POT (| 85710) | | 1845577.211 | 6669813.730 | 0.000 |

Northing Error: -0.003 ft
 Easting Error: 0.003 ft
 Closing Direction: N 46°30'50" W
 Closing Distance: 0.004 ft
 Closed Area: 4044.1 sq ft (0.1 ac)
 Perimeter: 266.749 ft
 Precision: 71474.947

RESOLUTION OF NECESSITY No. 22-089

QIHUA FENG PROPERTY

(APN 1048-523-15)

RESOLUTION NO. 22-089

**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 ASSESSORS
PARCEL NO. 1048-523-15**

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 111 N. Monterey Avenue in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1048- 523-15 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are a 551 square foot permanent easement legally described and depicted in Exhibit “1” hereto; and a 1,001 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" 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 July 6, 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 July 6, 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: 1048-523-15

That portion of Lot 4, Block 1009, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 9, Page 43 of Maps in the office of the County Recorder of said County, as described in the Grant Deed recorded April 8, 2020 as Document No. 2020-0123178 of Official Records in the office of said County Recorder, described as follows:

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

thence along the centerline of said Holt Boulevard North 89°35'38" East 195.47 feet to the southerly prolongation of the westerly line of the land described in said Grant Deed;

thence along said southerly prolongation North 00°22'15" West 40.00 feet to the southerly line of said land and the **True Point of Beginning**;

thence along said southerly line North 89°35'38" East 114.25 feet to the southeasterly corner of said land;

thence along the easterly line of said land North 00°20'45" West 17.55 feet;

thence leaving said easterly line South 44°46'32" West 19.23 feet;

thence South 89°36'55" West 100.63 feet to said westerly line;

thence along said westerly line South 00°22'15" East 4.04 feet to the **True Point of Beginning**.

Parcel contains 551 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.

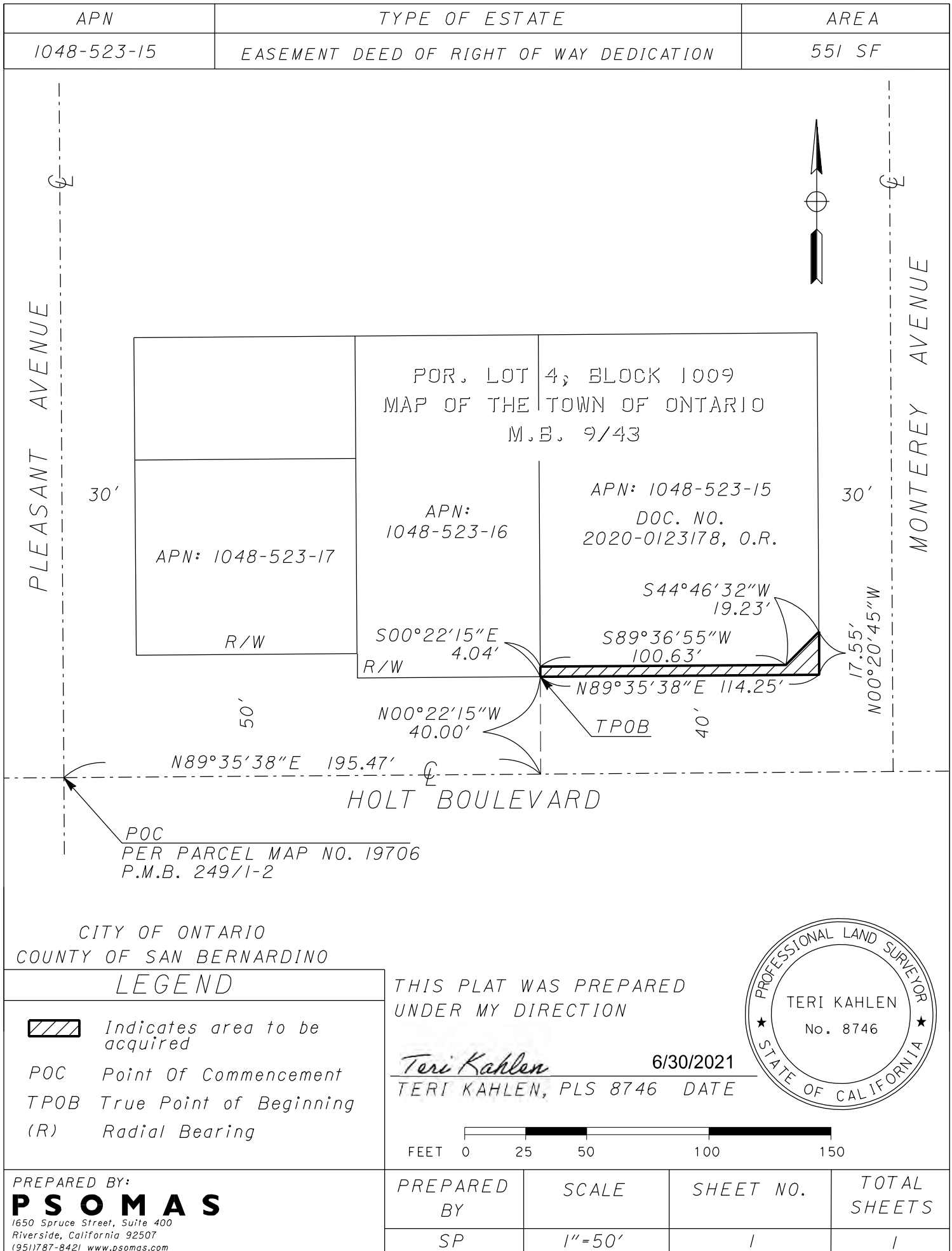
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 6/30/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1048-523-15 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|------------|------------|-----------|
| POB (| 65513) | | 1845676.99 | 6669431.49 | 0.00 |
| | N 89°35'38" E | 114.25 | | | |
| PI (| 65514) | | 1845677.80 | 6669545.74 | 0.00 |
| | N 0°20'45" W | 17.55 | | | |
| PI (| 65515) | | 1845695.36 | 6669545.63 | 0.00 |
| | S 44°46'32" W | 19.23 | | | |
| PI (| 65516) | | 1845681.71 | 6669532.09 | 0.00 |
| | S 89°36'55" W | 100.63 | | | |
| PI (| 65517) | | 1845681.03 | 6669431.46 | 0.00 |
| | S 0°22'15" E | 4.04 | | | |
| POE (| 65513) | | 1845676.99 | 6669431.49 | 0.00 |

Northing Error: -0.01 ft
 Easting Error: -0.00 ft
 Closing Direction: N 33°54'27" E
 Closing Distance: 0.01 ft
 Closed Area: 551.21 sq ft (0.01 ac)
 Perimeter: 255.70 ft
 Precision: 30500.79

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1048-523-15

That portion of Lot 4, Block 1009, according to the Map of Ontario, in the City of Ontario, County of San Bernardino, State of California, as per map recorded in Book 9, Page 43 of Maps in the office of the County Recorder of said County, as described in the Grant Deed recorded April 8, 2020 as Document No. 2020-0123178 of Official Records in the office of said County Recorder, described as follows:

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

thence along the centerline of said Holt Boulevard North 89°35'38" East 195.47 feet to the southerly prolongation of the westerly line of the land described in said Grant Deed;

thence along said southerly prolongation and said westerly line North 00°22'15" West 44.04 feet to the **True Point of Beginning**;

thence continuing along said westerly line North 00°22'15" West 14.00 feet;

thence leaving said westerly line North 89°36'55" East 44.45 feet;

thence South 00°23'05" East 9.00 feet;

thence North 89°36'55" East 54.11 feet;

thence North 44°46'32" East 22.15 feet to the easterly line of said land;

thence along said easterly line South 00°20'45" East 7.06 feet;

thence leaving said easterly line South 44°46'32" West 19.23 feet;

thence South 89°36'55" West 100.63 feet to the **True Point of Beginning**.

Parcel contains 1,001 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: 6/30/2021

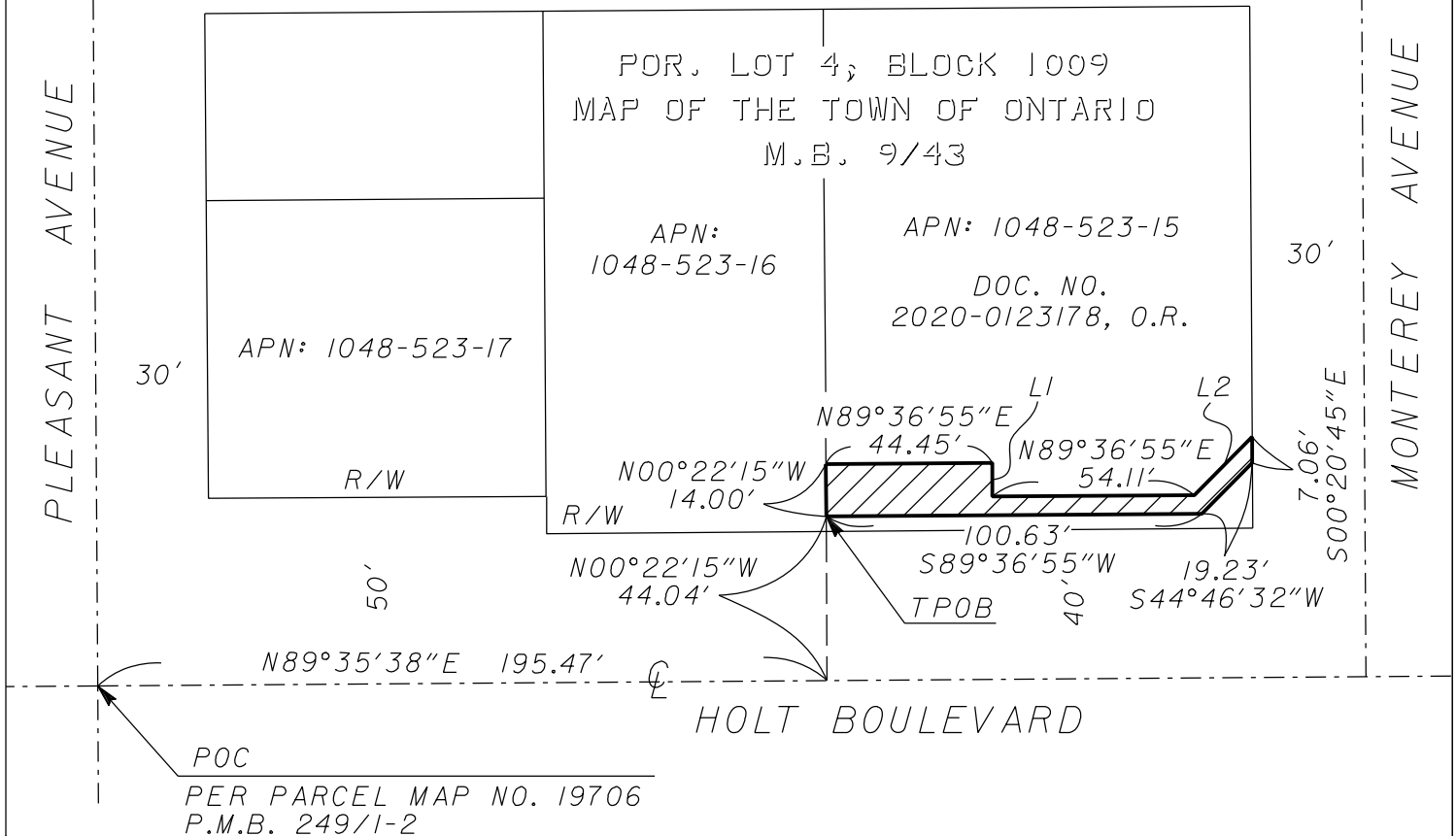


EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1048-523-15 | TEMPORARY CONSTRUCTION EASEMENT | 1,001 SF |

LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | S00°23'05"E | 9.00' |
| L2 | N44°46'32"E | 22.15' |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

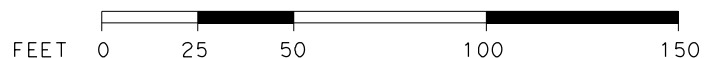
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

6/30/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

SP

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1048-523-15 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|------------|------------|-----------|
| POB (| 65517) | | 1845681.03 | 6669431.46 | 0.00 |
| | N 0°22'15" W | 14.00 | | | |
| PI (| 65518) | | 1845695.03 | 6669431.37 | 0.00 |
| | N 89°36'55" E | 44.45 | | | |
| PI (| 65520) | | 1845695.33 | 6669475.82 | 0.00 |
| | S 0°23'05" E | 9.00 | | | |
| PI (| 65521) | | 1845686.33 | 6669475.88 | 0.00 |
| | N 89°36'55" E | 54.11 | | | |
| PI (| 65522) | | 1845686.69 | 6669529.99 | 0.00 |
| | N 44°46'32" E | 22.15 | | | |
| PI (| 65523) | | 1845702.41 | 6669545.59 | 0.00 |
| | S 0°20'45" E | 7.06 | | | |
| PI (| 65515) | | 1845695.36 | 6669545.63 | 0.00 |
| | S 44°46'32" W | 19.23 | | | |
| PI (| 65516) | | 1845681.71 | 6669532.09 | 0.00 |
| | S 89°36'55" W | 100.63 | | | |
| POE (| 65517) | | 1845681.03 | 6669431.46 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 40°03'14" E
 Closing Distance: 0.00 ft
 Closed Area: 1001.43 sq ft (0.02 ac)
 Perimeter: 270.62 ft
 Precision: 199794.81

RESOLUTION OF NECESSITY No. 23-011

HENRY C. KIM PROPERTY

(APNS 1049-101-06 & 1049-101-07)

RESOLUTION NO. 23-011

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 1049-101-06 & 1049-101-07

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

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

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

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

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

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

WHEREAS, portions of the real property located at 736-740 and 742-745 E. Holt Boulevard, Ontario, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1049-101-06 and 1049-101-07 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,201 square foot permanent easement on APN 1049-101-06 legally described and depicted in Exhibit "1" hereto, an approximate 6,445 square foot temporary construction easement with a term of twenty-four months on APN 1049-101-06 legally described and depicted in Exhibit "2", an approximate 1,256 square foot permanent easement on APN 1049-101-07 legally described and depicted in Exhibit "3" hereto, and an approximate 6,725 square foot temporary construction easement with a term of twenty-four months on APN 1049-101-07 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit "1" through Exhibit "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 July 6, 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 July 6, 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: 1049-101-06

That portion of Lot 10 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described as Parcel 1 in the Grant Deed recorded July 12, 2013 as Document No. 2013-0304947 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 410.37 feet to the northerly prolongation of the easterly line of said Parcel 1;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the northeasterly corner of said Parcel 1 and the **True Point of Beginning**;

thence along said easterly line South 00°24'49" East 23.57 feet;

thence leaving said easterly line South 89°36'55" West 51.00 feet to the westerly line of said Parcel 1;

thence along said westerly line North 00°24'49" West 23.53 feet to the northwesterly corner of said Parcel 1;

thence along the northerly line of said Parcel 1 North 89°33'59" East 51.00 feet to the **True Point of Beginning**.

Parcel contains 1,201 square feet, more or less.

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

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

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

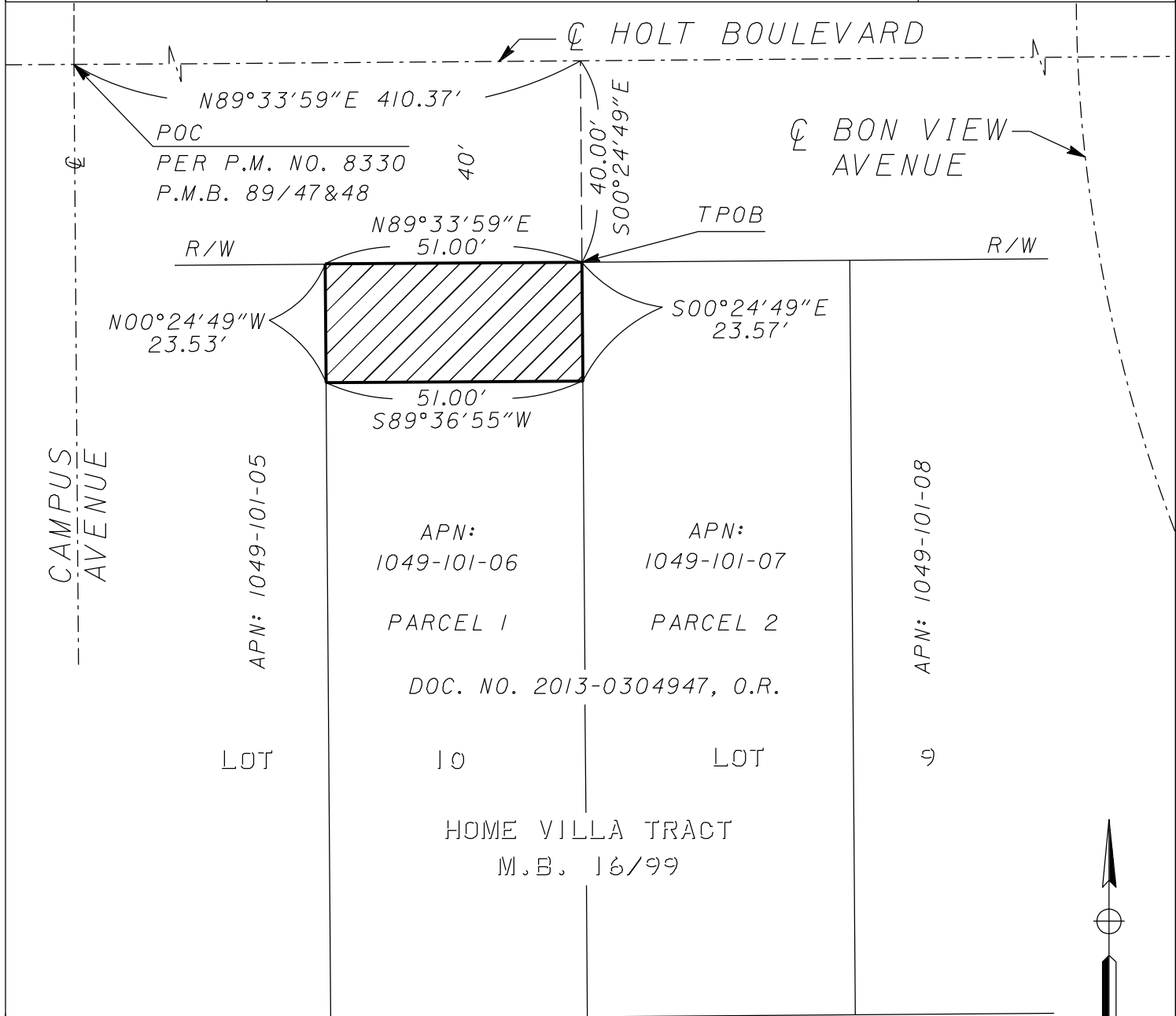
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/7/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-101-06 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,201 SF |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

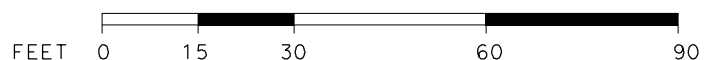
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/7/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

NB

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-06 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85619) | | 1845605.117 | 6670699.850 | 0.000 |
| | S 0°24'49" E | 23.57 | | | |
| POT (| 85620) | | 1845581.548 | 6670700.020 | 0.000 |
| | S 89°36'55" W | 51.00 | | | |
| POT (| 85621) | | 1845581.205 | 6670649.021 | 0.000 |
| | N 0°24'49" W | 23.53 | | | |
| POT (| 85622) | | 1845604.731 | 6670648.851 | 0.000 |
| | N 89°33'59" E | 51.00 | | | |
| POT (| 85619) | | 1845605.117 | 6670699.850 | 0.000 |

Northing Error: 0.004 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°21'31" E
 Closing Distance: 0.004 ft
 Closed Area: 1200.9 sq ft (0.0 ac)
 Perimeter: 149.096 ft
 Precision: 42395.579

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-06

That portion of Lot 10 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described as Parcel 1 in the Grant Deed recorded July 12, 2013 in Document No. 2013-0304947 of Official Records in the office of said County Recorder.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 410.37 feet to the northerly prolongation of the easterly line of said Parcel 1;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the northeasterly corner of said Parcel 1 and the **True Point of Beginning**;

thence along said easterly line South 00°24'49" East 23.57 feet;

thence leaving said easterly line South 89°36'55" West 51.00 feet to the westerly line of said Parcel 1;

thence along said westerly line North 00°24'49" West 23.53 feet to the northwesterly corner of said Parcel 1;

thence along the northerly line of said Parcel 1 North 89°33'59" East 51.00 feet to the **True Point of Beginning**.

Parcel contains 6,445 square feet, more or less.

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

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

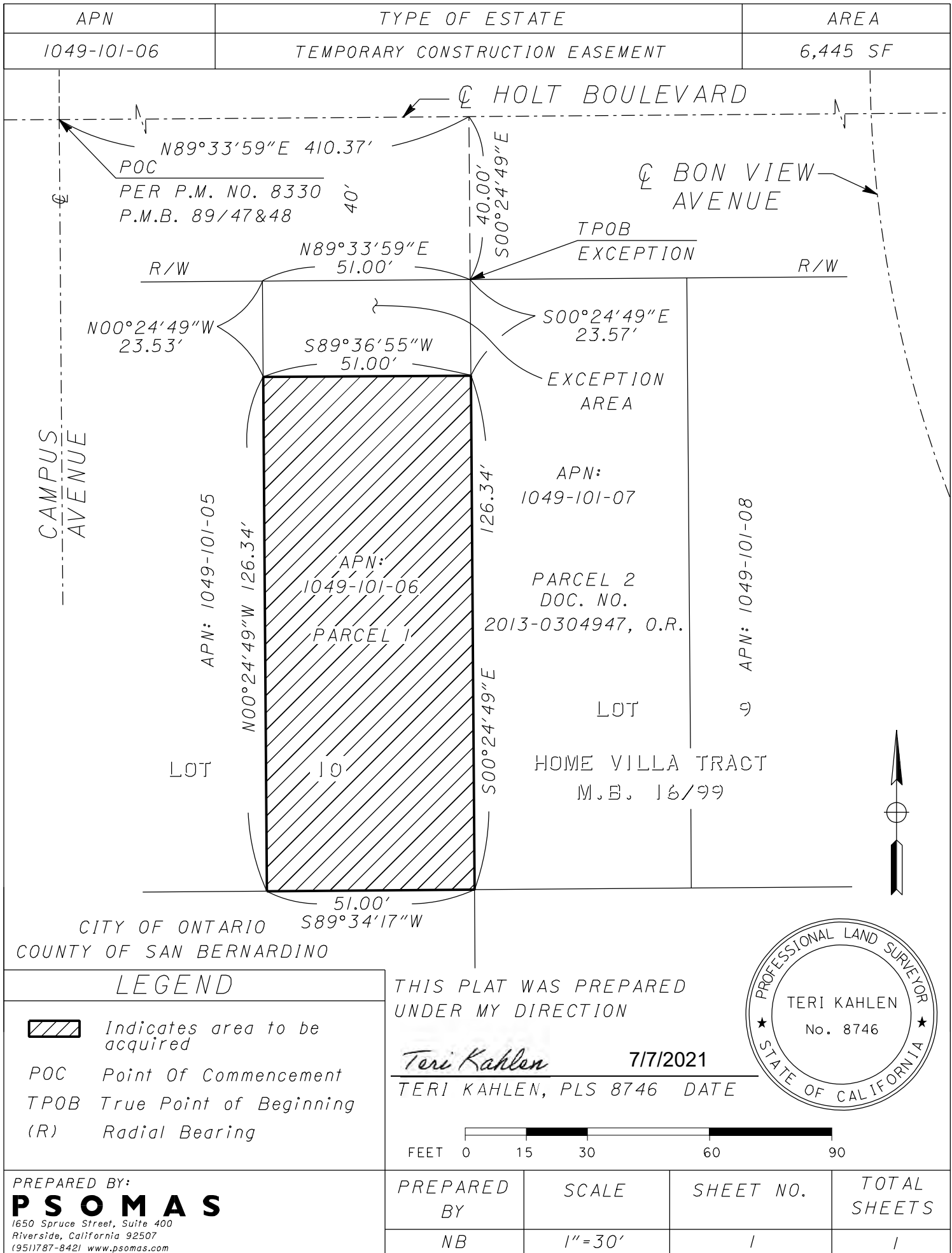
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/7/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-101-06 TCE AREA
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85620) | | 1845581.548 | 6670700.020 | 0.000 |
| | S 0°24'49" E | 126.34 | | | |
| POT (| 85625) | | 1845455.209 | 6670700.932 | 0.000 |
| | S 89°34'17" W | 51.00 | | | |
| POT (| 85626) | | 1845454.827 | 6670649.933 | 0.000 |
| | N 0°24'49" W | 126.38 | | | |
| POT (| 85621) | | 1845581.205 | 6670649.021 | 0.000 |
| | N 89°36'55" E | 51.00 | | | |
| POT (| 85620) | | 1845581.548 | 6670700.020 | 0.000 |

Northing Error: 0.001 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°42'15" E
 Closing Distance: 0.001 ft
 Closed Area: 6444.5 sq ft (0.1 ac)
 Perimeter: 354.724 ft
 Precision: 379896.916

EXHIBIT “3”

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

APN: 1049-101-07

That portion of Lot 9 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described as Parcel 2 in the Grant Deed recorded July 12, 2013 as Document No. 2013-0304947 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 410.37 feet to the northerly prolongation of the westerly line of said Parcel 2;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the northwesterly corner of said Parcel 2 and the **True Point of Beginning**;

thence along said westerly line South 00°24'49" East 23.57 feet;

thence leaving said westerly line North 89°36'55" East 53.24 feet to the easterly line of said Parcel 2;

thence along said easterly line North 00°24'49" West 23.61 feet to the northeasterly corner of said Parcel 2;

thence along the northerly line of said Parcel 2 South 89°33'59" West 53.24 feet to the **True Point of Beginning**.

Parcel contains 1,256 square feet, more or less.

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

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

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

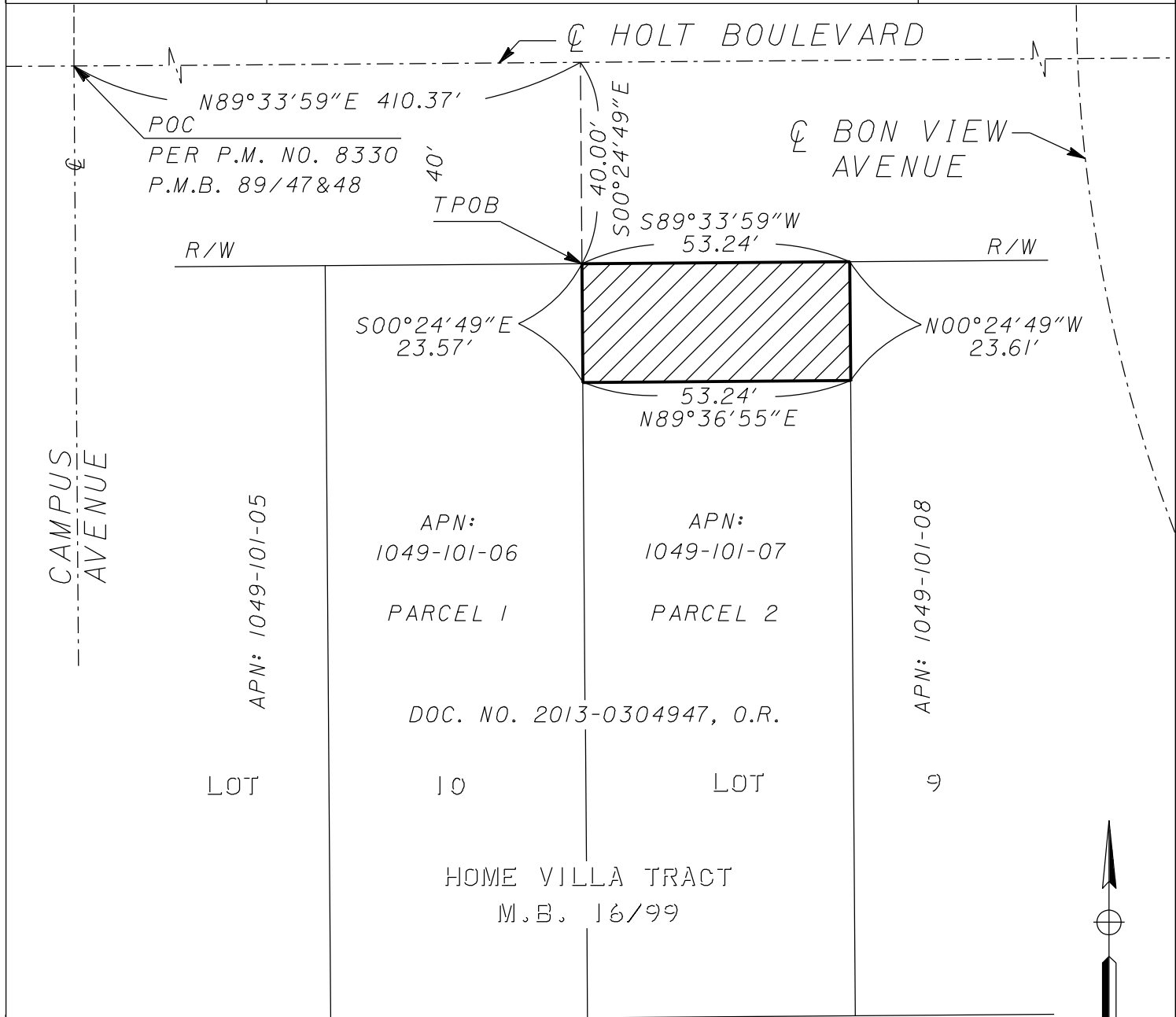
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/7/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-101-07 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,256 SF |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

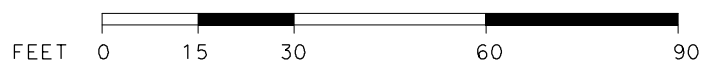
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/7/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

NB

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-07 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85619) | | 1845605.117 | 6670699.850 | 0.000 |
| | S 0°24'49" E | 23.57 | | | |
| POT (| 85620) | | 1845581.548 | 6670700.020 | 0.000 |
| | N 89°36'55" E | 53.24 | | | |
| POT (| 85623) | | 1845581.906 | 6670753.258 | 0.000 |
| | N 0°24'49" W | 23.61 | | | |
| POT (| 85624) | | 1845605.520 | 6670753.088 | 0.000 |
| | S 89°33'59" W | 53.24 | | | |
| POT (| 85619) | | 1845605.117 | 6670699.850 | 0.000 |

Northing Error: -0.005 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°22'35" W
 Closing Distance: 0.005 ft
 Closed Area: 1256.0 sq ft (0.0 ac)
 Perimeter: 153.664 ft
 Precision: 28307.699

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-07

That portion of Lot 9 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described as Parcel 2 in the Grant Deed recorded July 12, 2013 in Document No. 2013-0304947 of Official Records in the office of said County Recorder.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 410.37 feet to the northerly prolongation of the westerly line of said Parcel 2;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the northwesterly corner of said Parcel 2 and the **True Point of Beginning**;

thence along said westerly line South 00°24'49" East 23.57 feet;

thence leaving said westerly line North 89°36'55" East 53.24 feet to the easterly line of said Parcel 2;

thence along said easterly line North 00°24'49" West 23.61 feet to the northeasterly corner of said Parcel 2;

thence along the northerly line of said Parcel 2 South 89°33'59" West 53.24 feet to the **True Point of Beginning**.

Parcel contains 6,725 square feet, more or less.

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

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

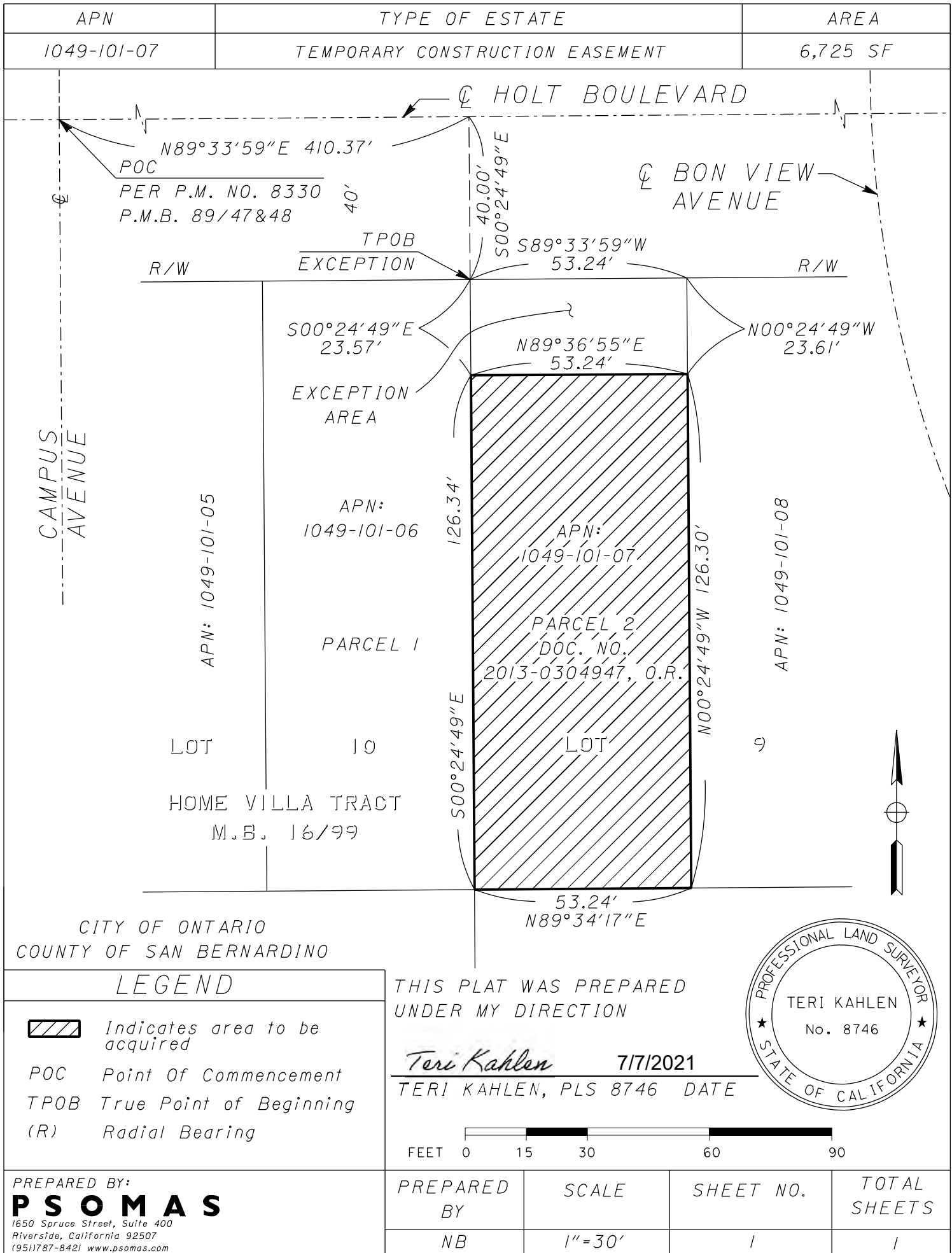
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/7/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-101-07 TCE AREA
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85620) | | 1845581.548 | 6670700.020 | 0.000 |
| | S 0°24'49" E | 126.34 | | | |
| POT (| 85625) | | 1845455.209 | 6670700.932 | 0.000 |
| | N 89°34'17" E | 53.24 | | | |
| POT (| 85627) | | 1845455.607 | 6670754.170 | 0.000 |
| | N 0°24'49" W | 126.30 | | | |
| POT (| 85623) | | 1845581.906 | 6670753.258 | 0.000 |
| | S 89°36'55" W | 53.24 | | | |
| POT (| 85620) | | 1845581.548 | 6670700.020 | 0.000 |

Northing Error: 0.001 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°03'05" E
 Closing Distance: 0.001 ft
 Closed Area: 6725.4 sq ft (0.2 ac)
 Perimeter: 359.124 ft
 Precision: 459142.658

RESOLUTION OF NECESSITY No. 23-012

**LINO LEON AND MARIA GUADALUPE
MUNIZ SALAS PROPERTY**

(APN 1049-101-09)

RESOLUTION NO. 23-012

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-101-09

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 754 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-101-09 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,269 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 6,761 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-101-09

That portion of Lot 8 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County as described in the Grant Deed recorded July 28, 2020 as Document No. 2020-0256964 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 516.85 feet to the northerly prolongation of the westerly line of the land described in said Grant Deed;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the northwesterly corner of said land and the **True Point of Beginning**;

thence along said westerly line South 00°24'49" East 23.66 feet;

thence leaving said westerly line North 89°36'55" East 53.56 feet to the easterly line of said land;

thence along said easterly line North 00°24'49" West 23.71 feet to the northeasterly corner of said land;

thence along the northerly line of said land South 89°33'59" West 53.56 feet to the **True Point of Beginning**.

Parcel contains 1,269 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).

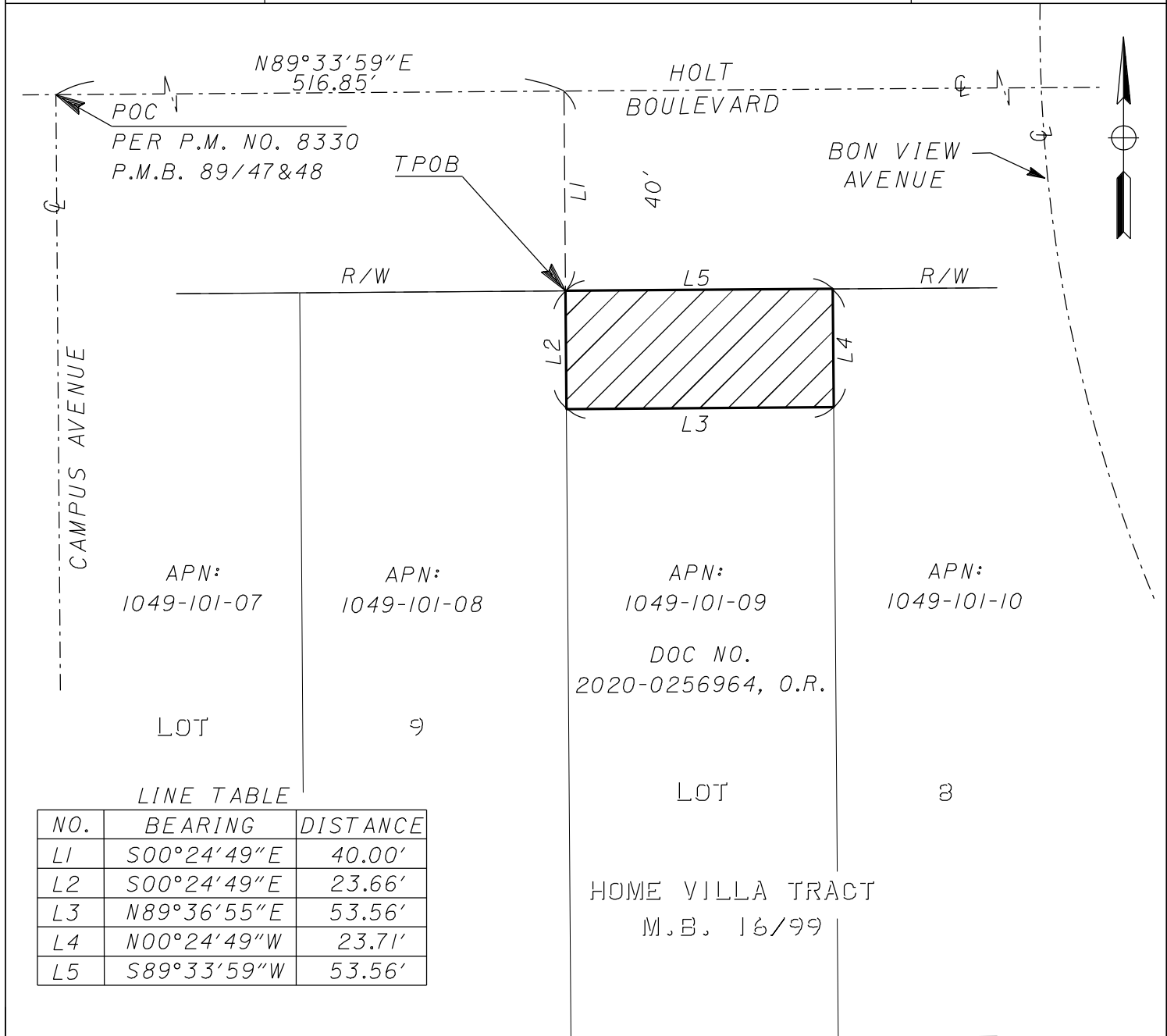
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/13/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-101-09 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,269 SF |



N89°33'59"E
516.85'
POC
PER P.M. NO. 8330
P.M.B. 89/47&48

TPOB

HOLT
BOULEVARD

BON VIEW
AVENUE

CAMPUS AVENUE

APN:
1049-101-07

APN:
1049-101-08

APN:
1049-101-09

APN:
1049-101-10

LOT

9

DOC NO.
2020-0256964, O.R.

LOT

8

LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | S00°24'49"E | 40.00' |
| L2 | S00°24'49"E | 23.66' |
| L3 | N89°36'55"E | 53.56' |
| L4 | N00°24'49"W | 23.71' |
| L5 | S89°33'59"W | 53.56' |

HOME VILLA TRACT
M.B. 16/99

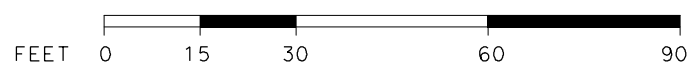
CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

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 7/13/2021
TERI KAHLEN, PLS 8746 DATE



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

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

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-09 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85633) | | 1845605.923 | 6670806.324 | 0.000 |
| | S 0°24'49" E | 23.66 | | | |
| POT (| 85634) | | 1845582.263 | 6670806.495 | 0.000 |
| | N 89°36'55" E | 53.56 | | | |
| POT (| 85635) | | 1845582.623 | 6670860.054 | 0.000 |
| | N 0°24'49" W | 23.71 | | | |
| POT (| 85636) | | 1845606.328 | 6670859.883 | 0.000 |
| | S 89°33'59" W | 53.56 | | | |
| POT (| 85633) | | 1845605.923 | 6670806.324 | 0.000 |

Northing Error: 0.004 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°27'39" E
 Closing Distance: 0.004 ft
 Closed Area: 1268.5 sq ft (0.0 ac)
 Perimeter: 154.486 ft
 Precision: 35938.351

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-09

That portion of Lot 8 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County as described in the Grant Deed recorded July 28, 2020 as Document No. 2020-0256964 of Official Records in the office of said County Recorder.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 516.85 feet to the northerly prolongation of the westerly line of the land described in said Grant Deed;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the northwesterly corner of said land and the **True Point of Beginning**;

thence along said westerly line South 00°24'49" East 23.66 feet;

thence leaving said westerly line North 89°36'55" East 53.56 feet to the easterly line of said land;

thence along said easterly line North 00°24'49" West 23.71 feet to the northeasterly corner of said land;

thence along the northerly line of said land South 89°33'59" West 53.56 feet to the **True Point of Beginning**.

Parcel contains 6,761 square feet, more or less.

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

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

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

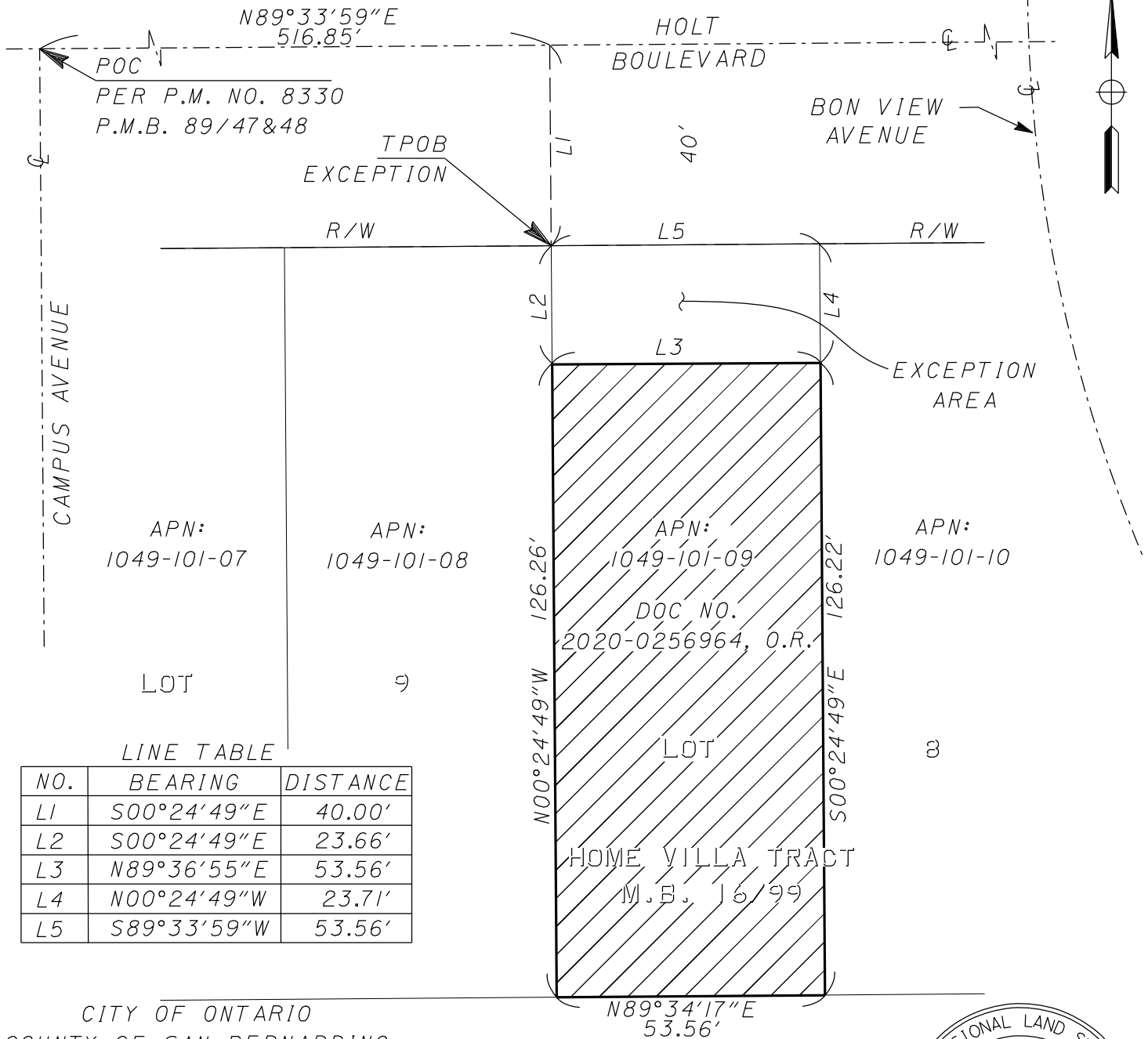
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/13/2021



EXHIBIT B

| | | |
|-------------|---------------------------------|----------|
| APN | TYPE OF ESTATE | AREA |
| 1049-101-09 | TEMPORARY CONSTRUCTION EASEMENT | 6,761 SF |



| <i>NO.</i> | <i>BEARING</i> | <i>DISTANCE</i> |
|------------|--------------------|-----------------|
| <i>L1</i> | <i>S00°24'49"E</i> | <i>40.00'</i> |
| <i>L2</i> | <i>S00°24'49"E</i> | <i>23.66'</i> |
| <i>L3</i> | <i>N89°36'55"E</i> | <i>53.56'</i> |
| <i>L4</i> | <i>N00°24'49"W</i> | <i>23.71'</i> |
| <i>L5</i> | <i>S89°33'59"W</i> | <i>53.56'</i> |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

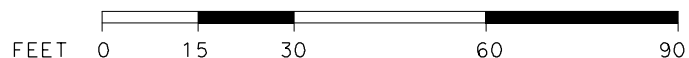
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/13/2021

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.

/

TOTAL
SHEETS

/

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-09 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85634) | | 1845582.263 | 6670806.495 | 0.000 |
| | S 0°24'49" E | 126.26 | | | |
| POT (| 85637) | | 1845456.005 | 6670807.407 | 0.000 |
| | N 89°34'17" E | 53.56 | | | |
| POT (| 85638) | | 1845456.406 | 6670860.965 | 0.000 |
| | N 0°24'49" W | 126.22 | | | |
| POT (| 85635) | | 1845582.623 | 6670860.054 | 0.000 |
| | S 89°36'55" W | 53.56 | | | |
| POT (| 85634) | | 1845582.263 | 6670806.495 | 0.000 |

Northing Error: 0.001 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°08'10" E
 Closing Distance: 0.001 ft
 Closed Area: 6761.4 sq ft (0.2 ac)
 Perimeter: 359.601 ft
 Precision: 350053.517

RESOLUTION OF NECESSITY No. 23-014

ROGER ALAN GRIFFITH PROPERTY

(APN 1049-101-11)

RESOLUTION NO. 23-014

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-101-11

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

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

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

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

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

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

WHEREAS, portions of the real property located at 766 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-101-11 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,491 square foot permanent easement legally described and depicted in Exhibit "1" hereto, and an approximate 15,256 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-101-11

Those portions of Lots 6 and 7 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County as described in the Grant Deed recorded March 9, 2010 as Document No. 2010-0091369 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 732.05 feet to the northerly prolongation of the easterly line of the land described in said Grant Deed;

thence along said northerly prolongation and said easterly line South $00^{\circ}24'49''$ East 50.00 feet to the **True Point of Beginning**;

thence continuing along said easterly line South $00^{\circ}24'49''$ East 13.84 feet;

thence leaving said easterly line South $89^{\circ}36'55''$ West 108.09 feet to the westerly line of said land;

thence along said westerly line North $00^{\circ}24'49''$ West 13.75 feet to a line parallel with and 50.00 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line North $89^{\circ}33'59''$ East 108.09 feet to the **True Point of Beginning**.

Parcel contains 1,491 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.

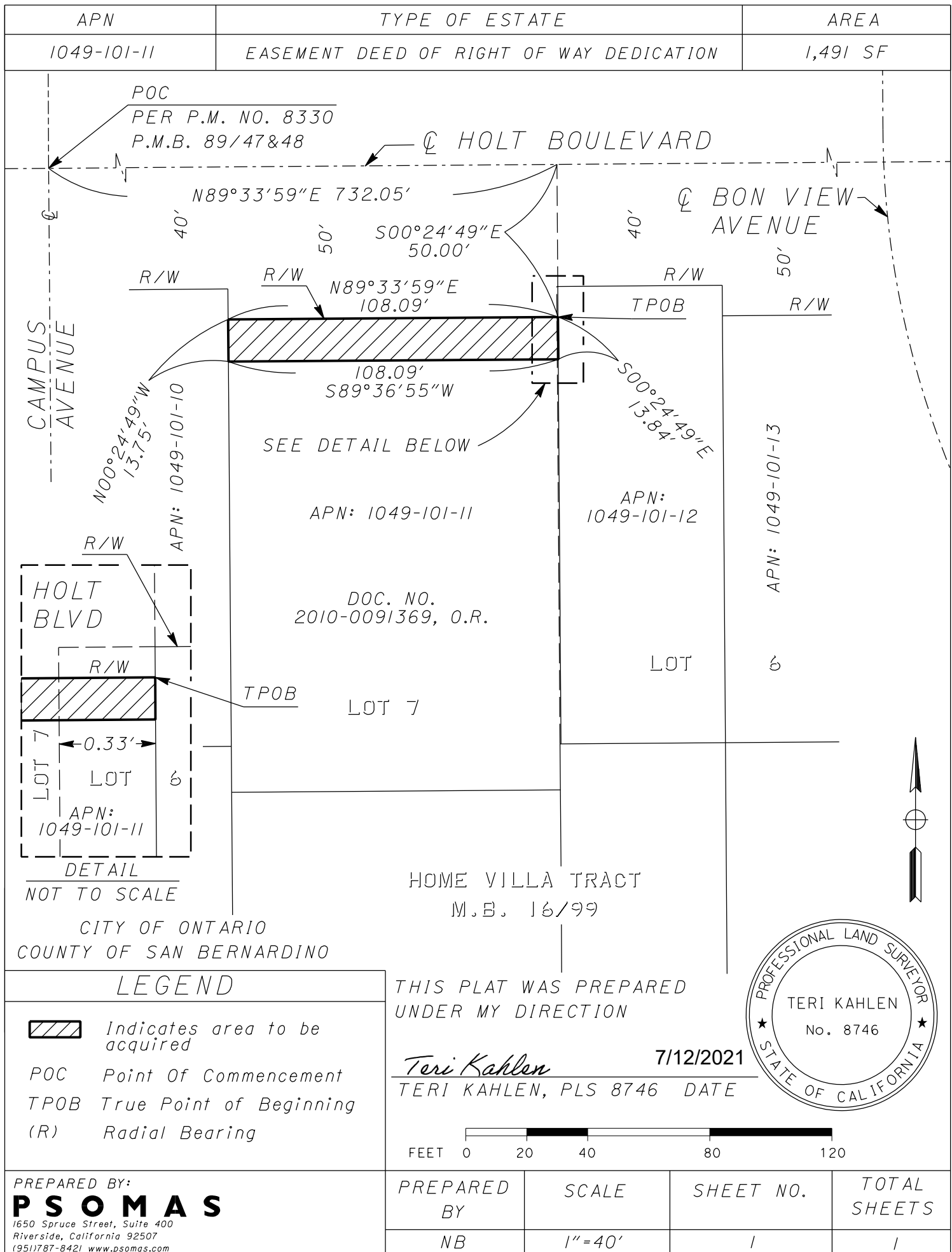
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/12/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-101-11 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85641) | | 1845597.551 | 6671021.598 | 0.000 |
| | S 0°24'49" E | 13.84 | | | |
| POT (| 85642) | | 1845583.709 | 6671021.697 | 0.000 |
| | S 89°36'55" W | 108.09 | | | |
| POT (| 85643) | | 1845582.983 | 6670913.611 | 0.000 |
| | N 0°24'49" W | 13.75 | | | |
| POT (| 85644) | | 1845596.733 | 6670913.512 | 0.000 |
| | N 89°33'59" E | 108.09 | | | |
| POT (| 85641) | | 1845597.551 | 6671021.598 | 0.000 |

Northing Error: 0.002 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°13'47" E
 Closing Distance: 0.002 ft
 Closed Area: 1491.3 sq ft (0.0 ac)
 Perimeter: 243.772 ft
 Precision: 109304.726

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-11

Those portions of Lots 6 and 7 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County as described in the Grant Deed recorded March 9, 2010 as Document No. 2010-0091369 of Official Records in the office of said County Recorder.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 732.05 feet to the northerly prolongation of the easterly line of the land described in said Grant Deed;

thence along said northerly prolongation and said easterly line South 00°24'49" East 50.00 feet to the **True Point of Beginning**;

thence continuing along said easterly line South 00°24'49" East 13.84 feet;

thence leaving said easterly line South 89°36'55" West 108.09 feet to the westerly line of said land;

thence along said westerly line North 00°24'49" West 13.75 feet to a line parallel with and 50.00 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line North 89°33'59" East 108.09 feet to the **True Point of Beginning**.

Parcel contains 15,256 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).

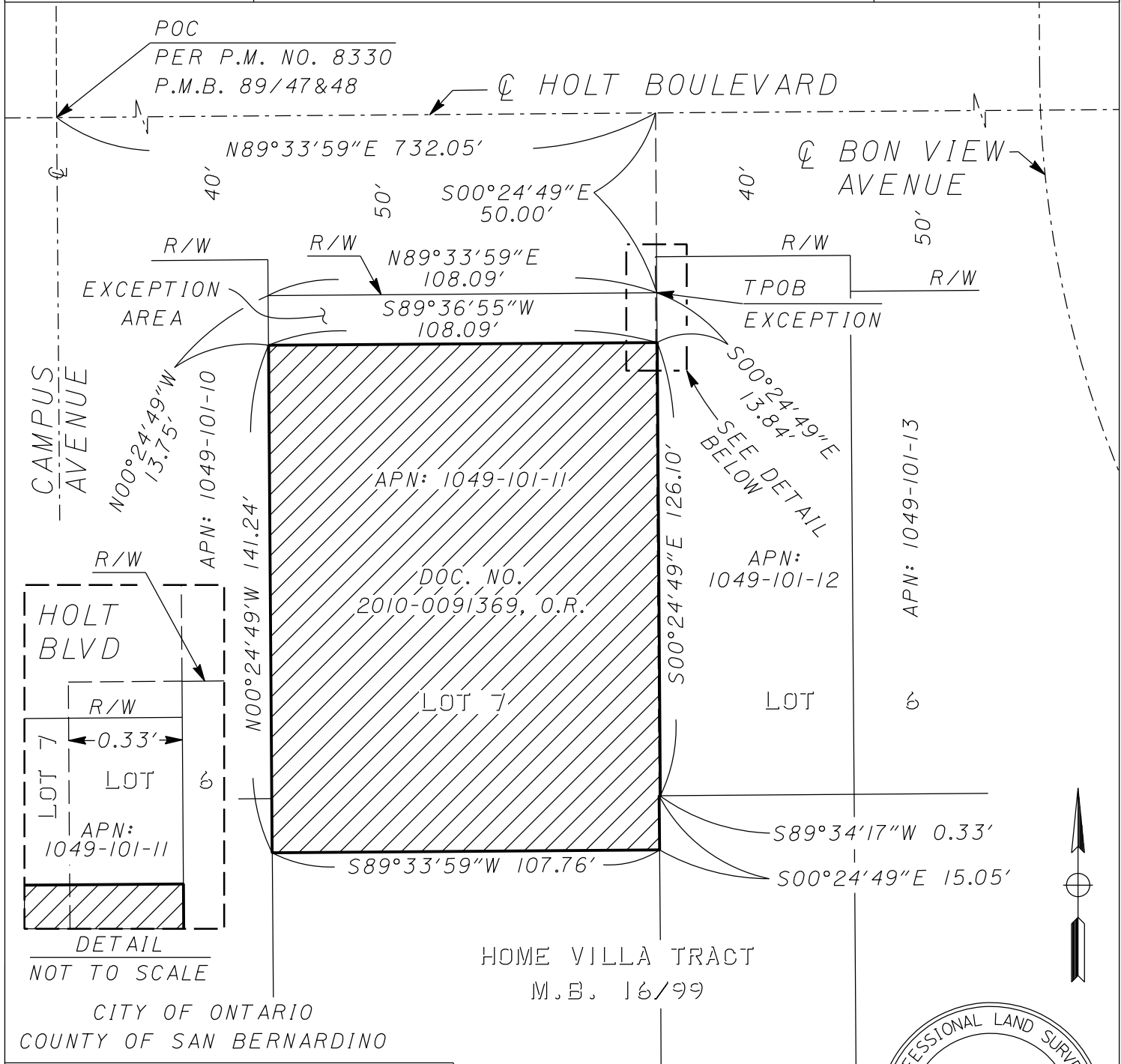
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/12/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|-----------|
| 1049-101-11 | TEMPORARY CONSTRUCTION EASEMENT | 15,256 SF |



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

| PREPARED BY | SCALE | SHEET NO. | TOTAL SHEETS |
|-------------|--------|-----------|--------------|
| NB | 1"=40' | 1 | 1 |

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-11 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85642) | | 1845583.709 | 6671021.697 | 0.000 |
| | S 0°24'49" E | 126.10 | | | |
| POT (| 85649) | | 1845457.615 | 6671022.608 | 0.000 |
| | S 89°34'17" W | 0.33 | | | |
| POT (| 85645) | | 1845457.613 | 6671022.278 | 0.000 |
| | S 0°24'49" E | 15.05 | | | |
| POT (| 85651) | | 1845442.563 | 6671022.386 | 0.000 |
| | S 89°33'59" W | 107.76 | | | |
| POT (| 85646) | | 1845441.747 | 6670914.630 | 0.000 |
| | N 0°24'49" W | 141.24 | | | |
| POT (| 85643) | | 1845582.983 | 6670913.611 | 0.000 |
| | N 89°36'55" E | 108.09 | | | |
| POT (| 85642) | | 1845583.709 | 6671021.697 | 0.000 |

Northing Error: -0.002 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°13'38" W
 Closing Distance: 0.002 ft
 Closed Area: 15256.4 sq ft (0.4 ac)
 Perimeter: 498.564 ft
 Precision: 226479.699

RESOLUTION OF NECESSITY No. 23-015

**JUN SON YOO, TRUSTEE OF THE JUN SON
YOO FAMILY TRUST DATED OCTOBER 18,
2018 PROPERTY**

(APN 1049-131-05)

RESOLUTION NO. 23-015

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-131-05

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

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

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

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

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

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

WHEREAS, portions of the real property located at 930 - 932 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-131-05 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 871 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 13,176 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-131-05

That portion of Lot 11 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 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 1,388.61 feet to the northerly prolongation of the easterly line of said Lot 11;

thence leaving said Holt Boulevard along said northerly prolongation and said easterly line South $00^{\circ}24'01''$ East 50.00 feet to the **True Point of Beginning**;

thence continuing along said easterly line South $00^{\circ}24'01''$ East 7.20 feet;

thence leaving said easterly line South $89^{\circ}36'55''$ West 10.85 feet;

thence South $87^{\circ}27'12''$ West 89.26 feet to the westerly line of said Lot 11;

thence along said westerly line North $00^{\circ}24'01''$ West 10.58 feet to a line that is parallel with and 50.00 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line North $89^{\circ}37'31''$ East 100.05 feet to the **True Point of Beginning**.

Parcel contains 871 square feet, more or less.

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

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

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

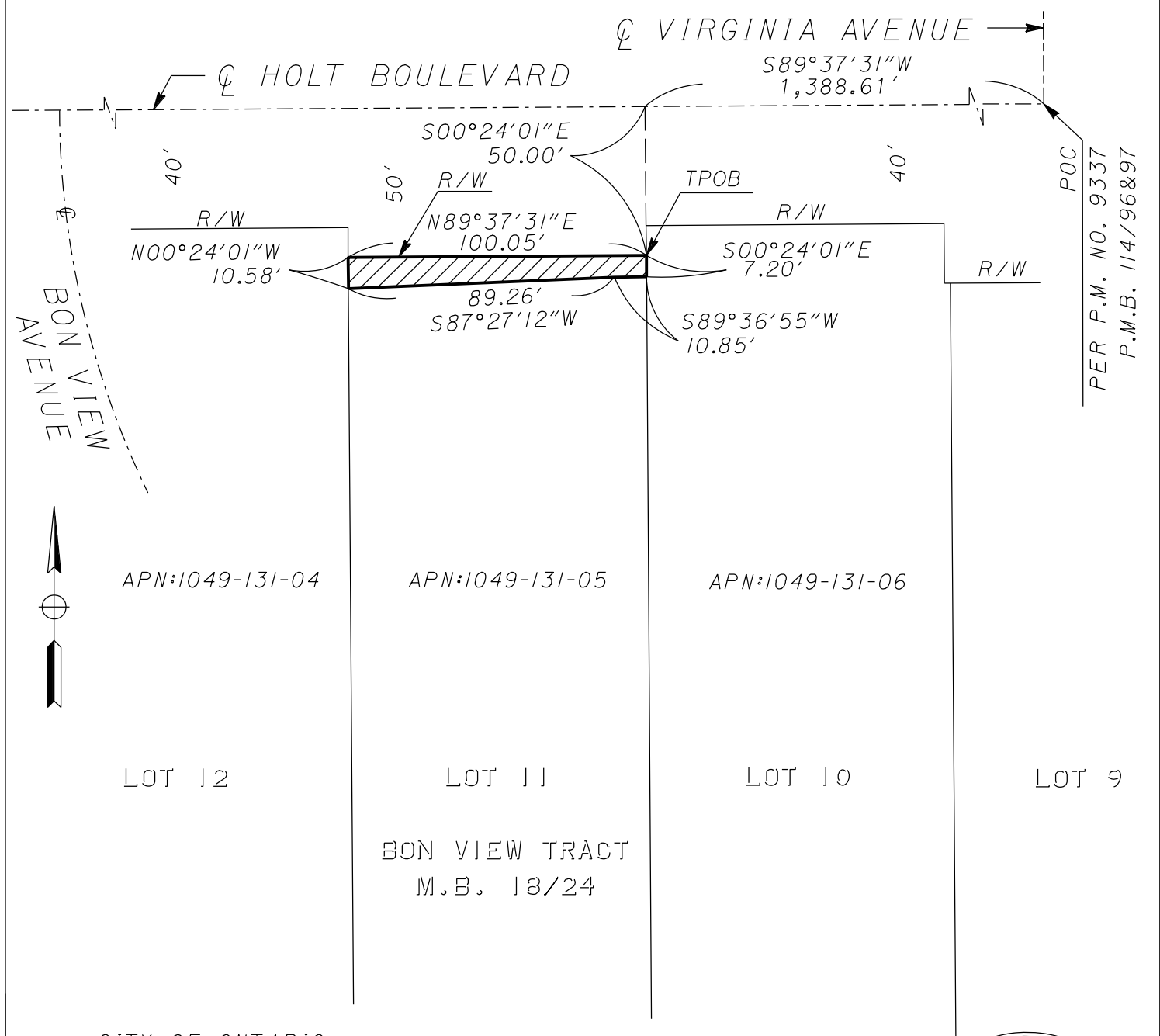
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/23/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|--------|
| 1049-131-05 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 871 SF |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

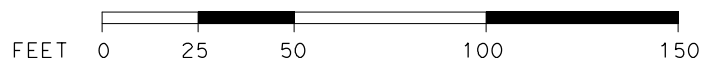
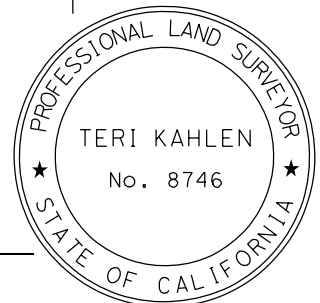
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/23/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-05 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|------------|------------|-----------|
| POB (| 65644) | | 1845605.31 | 6672098.97 | 0.00 |
| | S 0°24'01" E | 7.20 | | | |
| PI (| 85268) | | 1845598.11 | 6672099.02 | 0.00 |
| | S 89°36'55" W | 10.85 | | | |
| PI (| 65646) | | 1845598.04 | 6672088.17 | 0.00 |
| | S 87°27'12" W | 89.26 | | | |
| PI (| 65647) | | 1845594.07 | 6671998.99 | 0.00 |
| | N 0°24'01" W | 10.58 | | | |
| PI (| 65645) | | 1845604.65 | 6671998.92 | 0.00 |
| | N 89°37'31" E | 100.05 | | | |
| POE (| 65644) | | 1845605.31 | 6672098.97 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 29°24'52" W
 Closing Distance: 0.01 ft
 Closed Area: 871.16 sq ft (0.02 ac)
 Perimeter: 217.94 ft
 Precision: 40416.43

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-131-05

That portion of Lot 11 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 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 1,388.61 feet to the northerly prolongation of the easterly line of said Lot 11;

thence leaving said Holt Boulevard along said northerly prolongation and said easterly line South $00^{\circ}24'01''$ East 57.20 feet to the **True Point of Beginning**;

thence leaving said easterly line South $89^{\circ}36'55''$ West 10.85 feet;

thence South $87^{\circ}27'12''$ West 89.26 feet to the westerly line of said Lot 11;

thence along said westerly line South $00^{\circ}24'01''$ East 129.85 feet;

thence leaving said westerly line North $89^{\circ}35'59''$ East 100.05 feet to said easterly line;

thence along said easterly line North $00^{\circ}24'01''$ West 133.19 feet to the **True Point of Beginning**.

Parcel contains 13,176 square feet, more or less.

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

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

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

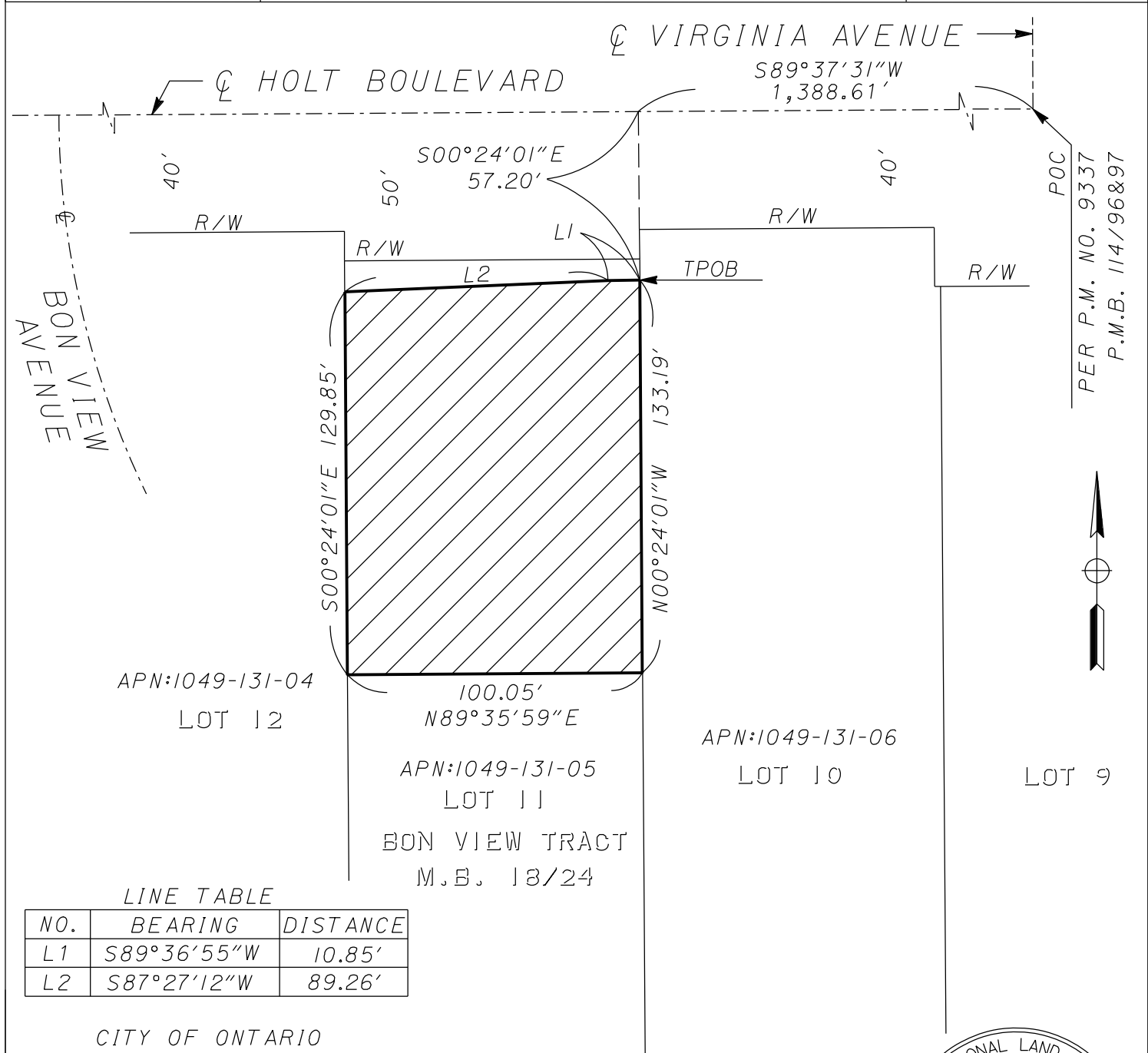
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/23/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|-----------|
| 1049-131-05 | TEMPORARY CONSTRUCTION EASEMENT | 13,176 SF |



APN:1049-131-04
LOT 12

APN:1049-131-05
LOT 11
BON VIEW TRACT
M.B. 18/24

APN:1049-131-06
LOT 10

LOT 9

LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | S89°36'55"W | 10.85' |
| L2 | S87°27'12"W | 89.26' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

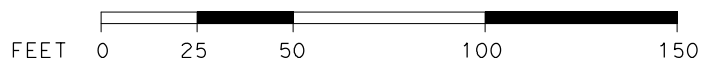
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/23/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

TK

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-131-05 TCE Area
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|------------|------------|-----------|
| POB (| 85268) | | 1845598.11 | 6672099.02 | 0.00 |
| | S 89°36'55" W | 10.85 | | | |
| PI (| 65646) | | 1845598.04 | 6672088.17 | 0.00 |
| | S 87°27'12" W | 89.26 | | | |
| PI (| 65647) | | 1845594.07 | 6671998.99 | 0.00 |
| | S 0°24'01" E | 129.85 | | | |
| PI (| 65648) | | 1845464.23 | 6671999.90 | 0.00 |
| | N 89°35'59" E | 100.05 | | | |
| PI (| 65649) | | 1845464.93 | 6672099.95 | 0.00 |
| | N 0°24'01" W | 133.19 | | | |
| POE (| 85268) | | 1845598.11 | 6672099.02 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 88°25'37" W
 Closing Distance: 0.00 ft
 Closed Area: 13176.21 sq ft (0.30 ac)
 Perimeter: 463.19 ft
 Precision: 176326.41

RESOLUTION OF NECESSITY No. 23-018

**ADRIAN ENRIQUEZ, TRUSTEE OF THE
ADRIAN ENRIQUEZ TRUST, DATED
MARCH 25, 1991 PROPERTY
(APN 1049-101-05)**

RESOLUTION NO. 23-018

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NO. 1049-101-05

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

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

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

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

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

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

WHEREAS, portions of the real property located at 728 - 732 1/2 E. Holt Boulevard, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor’s Parcel Number 1049-101-05 (the “Property”) are required for the Project. The specific portions of the Property required for the Project are an approximate 1,160 square foot permanent easement legally described and depicted in Exhibit “1” hereto, and an approximate 6,237 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

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

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

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

Section 4. Necessity.

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

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

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

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

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

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

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

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

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

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

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

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

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

On July 6, 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 July 6, 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: 1049-101-05

That portion of Lot 10 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described in the Quitclaim Deed recorded April 11, 1991 as Document No. 91-121633 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 310.03 feet to the northerly prolongation of the westerly line of the land described in said Quitclaim Deed;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the northwesterly corner of said land and the **True Point of Beginning**;

thence along said westerly line South 00°24'49" East 23.48 feet;

thence leaving said westerly line North 89°36'55" East 49.34 feet to the easterly line of said land;

thence along said easterly line North 00°24'49" West 23.53 feet to the northeasterly corner of said land;

thence along the northerly line of said land South 89°33'59" West 49.34 feet to the **True Point of Beginning**.

Parcel contains 1,160 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).

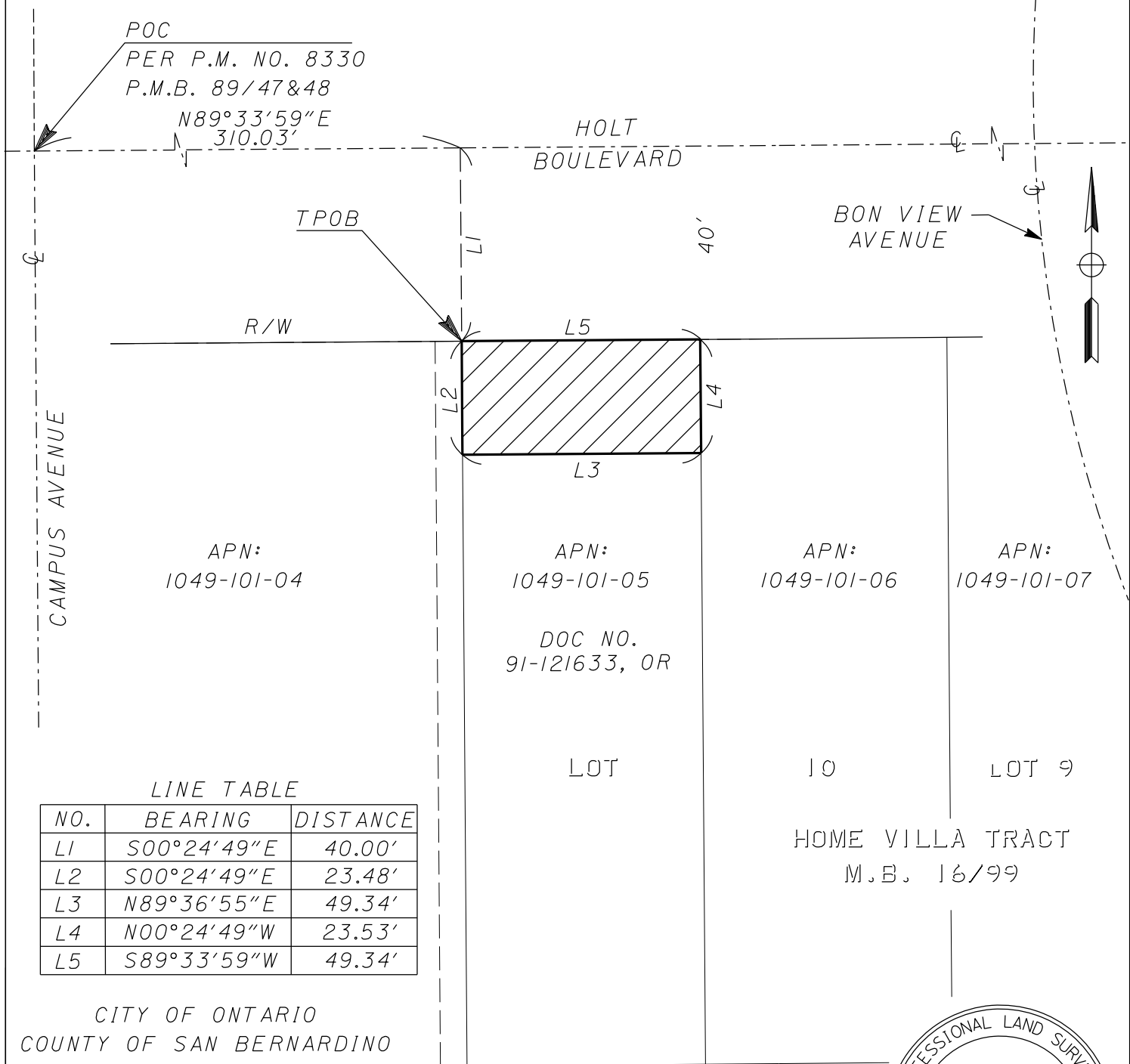
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/12/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-101-05 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,160 SF |



LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | S00°24'49"E | 40.00' |
| L2 | S00°24'49"E | 23.48' |
| L3 | N89°36'55"E | 49.34' |
| L4 | N00°24'49"W | 23.53' |
| L5 | S89°33'59"W | 49.34' |

LEGEND



Indicates area to be acquired

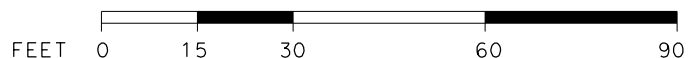
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/12/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-05 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85629) | | 1845604.358 | 6670599.512 | 0.000 |
| | S 0°24'49" E | 23.48 | | | |
| POT (| 85630) | | 1845580.874 | 6670599.682 | 0.000 |
| | N 89°36'55" E | 49.34 | | | |
| POT (| 85621) | | 1845581.205 | 6670649.021 | 0.000 |
| | N 0°24'49" W | 23.53 | | | |
| POT (| 85622) | | 1845604.731 | 6670648.851 | 0.000 |
| | S 89°33'59" W | 49.34 | | | |
| POT (| 85629) | | 1845604.358 | 6670599.512 | 0.000 |

Northing Error: 0.008 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°26'14" E
 Closing Distance: 0.008 ft
 Closed Area: 1159.8 sq ft (0.0 ac)
 Perimeter: 145.691 ft
 Precision: 18442.805

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-05

That portion of Lot 10 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described in the Quitclaim Deed recorded April 11, 1991 as Document No. 91-121633 of Official Records in the office of said County Recorder.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 310.03 feet to the northerly prolongation of the westerly line of the land described in said Quitclaim Deed;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the northwesterly corner of said land and the **True Point of Beginning**;

thence along said westerly line South 00°24'49" East 23.48 feet;

thence leaving said westerly line North 89°36'55" East 49.34 feet to the easterly line of said land;

thence along said easterly line North 00°24'49" West 23.53 feet to the northeasterly corner of said land;

thence along the northerly line of said land South 89°33'59" West 49.34 feet to the **True Point of Beginning**.

Parcel contains 6,237 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.

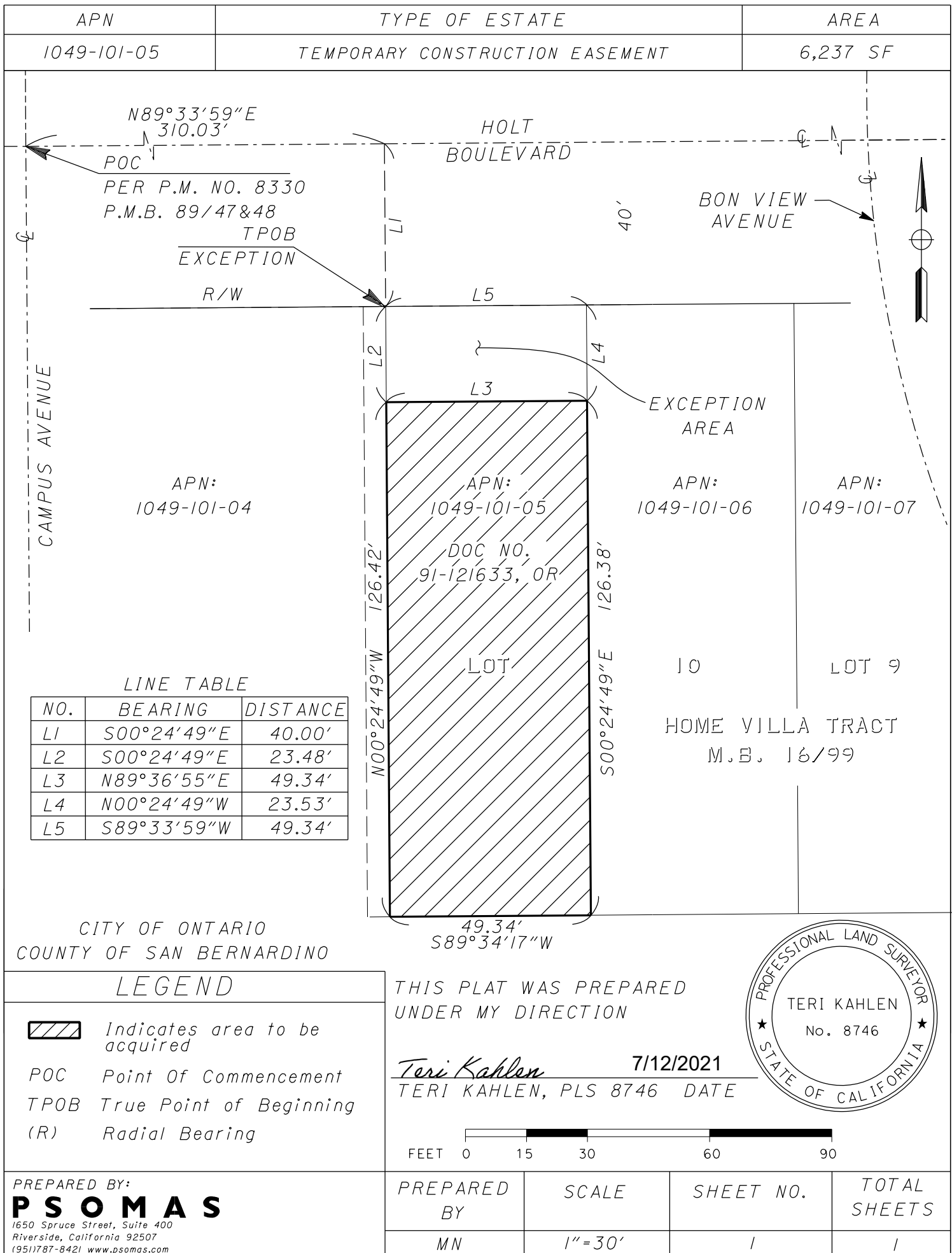
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/12/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-101-05 TCE AREA
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85630) | | 1845580.874 | 6670599.682 | 0.000 |
| | N 89°36'55" E | 49.34 | | | |
| POT (| 85621) | | 1845581.205 | 6670649.021 | 0.000 |
| | S 0°24'49" E | 126.38 | | | |
| POT (| 85626) | | 1845454.827 | 6670649.933 | 0.000 |
| | S 89°34'17" W | 49.34 | | | |
| POT (| 85631) | | 1845454.458 | 6670600.595 | 0.000 |
| | N 0°24'49" W | 126.42 | | | |
| POT (| 85630) | | 1845580.874 | 6670599.682 | 0.000 |

Northing Error: 0.002 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°31'57" E
 Closing Distance: 0.002 ft
 Closed Area: 6236.6 sq ft (0.1 ac)
 Perimeter: 351.481 ft
 Precision: 159380.486

RESOLUTION OF NECESSITY No. 23-019

**DANIEL E. LEDESMA AND RAUL ENRIQUE
LEDESMA, TRUSTEE OF THE RAULY'S
TRUST DATED OCTOBER 24, 1995
PROPERTY**

**(APNS 1049-101-12, 1049-101-13, 1049-
101-14, 1049-101-15, 1049-101-15, 1049-
101-16, 1049-101-18)**

RESOLUTION NO. 23-019

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR'S PARCEL NOS. 1049-101-12, 1049-101-13, 1049-101-14, 1049-101-15, 1049-101-16, and 1049-101-18

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 800, 810, 814, 824 and 828 E. Holt Boulevard, East of North Allyn Avenue, in the City of Ontario, California, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1049-101-12, 1049-101-13, 1049-101-14, 1049-101-15, 1049-101-16, and 1049-101-18 (the "Property") are required for the Project. The specific portions of the Property required for the Project are an approximate 1,286 square foot permanent easement on APN 1049-101-12 legally described and depicted in Exhibit "1" hereto, an approximate 6,793 square foot temporary construction easement with a term of twenty-four months on APN 1049-101-12 legally described and depicted in Exhibit "2" hereto, an approximate 795 square foot permanent easement on APN 1049-101-13 legally described and depicted in Exhibit "3" hereto, an approximate 6,792 square foot temporary construction easement with a term of twenty-four months on APN 1049-101-13 legally described and depicted in Exhibit

“4” hereto, an approximate 1,457 square foot permanent easement on APN 1049-101-14 legally described and depicted in Exhibit “5” hereto, an approximate 6,722 square foot temporary construction easement with a term of twenty-four months on APN 1049-101-14 legally described and depicted in Exhibit “6” hereto, an approximate 1,570 square foot permanent easement on APN 1049-101-15 legally described and depicted in Exhibit “7” hereto, an approximate 877 square foot temporary construction easement with a term of twenty-four months on APN 1049-101-15 legally described and depicted in Exhibit “8” hereto, an approximate 1,123 square foot permanent easement on APN 1049-101-16 legally described and depicted in Exhibit “9” hereto, an approximate 1,348 square foot temporary construction easement with a term of twenty-four months on APN 1049-101-16 legally described and depicted in Exhibit “10” hereto, an approximate 1,282 square foot permanent easement on APN 1049-101-18 legally described and depicted in Exhibit “11” hereto, and an approximate 5,981 square foot temporary construction easement with a term of twenty-four months on APN 1049-101-18 legally described and depicted in Exhibit “12” 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 July 6, 2022 at 10:00 a.m. at the Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll and to the City of Ontario notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and said parties were provided notification if an opportunity arose that would have allowed them to appear virtually online or by telephone at said hearing; and

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

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

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

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

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

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

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

(b) The purpose of the Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., the system that includes off-board fare vending, all-door boarding, TSP optimized operating plans, and stations that consist of branded shelter/canopy, security cameras, benches, lighting, and

variable message signs). The Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

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

Section 4. Necessity.

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

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

transit an attractive alternative to travel by automobile and of providing high quality, reliable, rapid transit service needed to deliver riders to the multiple destinations.

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

Section 5. Description of the Subject Property Interests. The Subject Property Interests sought to be acquired are more particularly described and depicted in Exhibit “1” through Exhibit “12” 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 July 6, 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 July 6, 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: 1049-101-12

That portion of Lot 6 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 732.05 feet to the northerly prolongation of a line parallel with and 0.33 feet easterly of the westerly line of said Lot 6;

thence along said northerly prolongation South 00°24'49" East 40.00 feet to the **True Point of Beginning**;

thence along said parallel line South 00°24'49" East 23.84 feet;

thence leaving said parallel line North 89°36'55" East 53.88 feet to the westerly line of Parcel No. 2 as described in the Grant Deed recorded December 19, 2012 as Document No. 2012-0541543 of Official Records in the office of said County Recorder;

thence along said westerly line North 00°24'49" West 23.89 feet to the northerly line of said Lot 6;

thence along said northerly line South 89°33'59" West 53.88 feet to the **True Point of Beginning**.

Parcel contains 1,286 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.

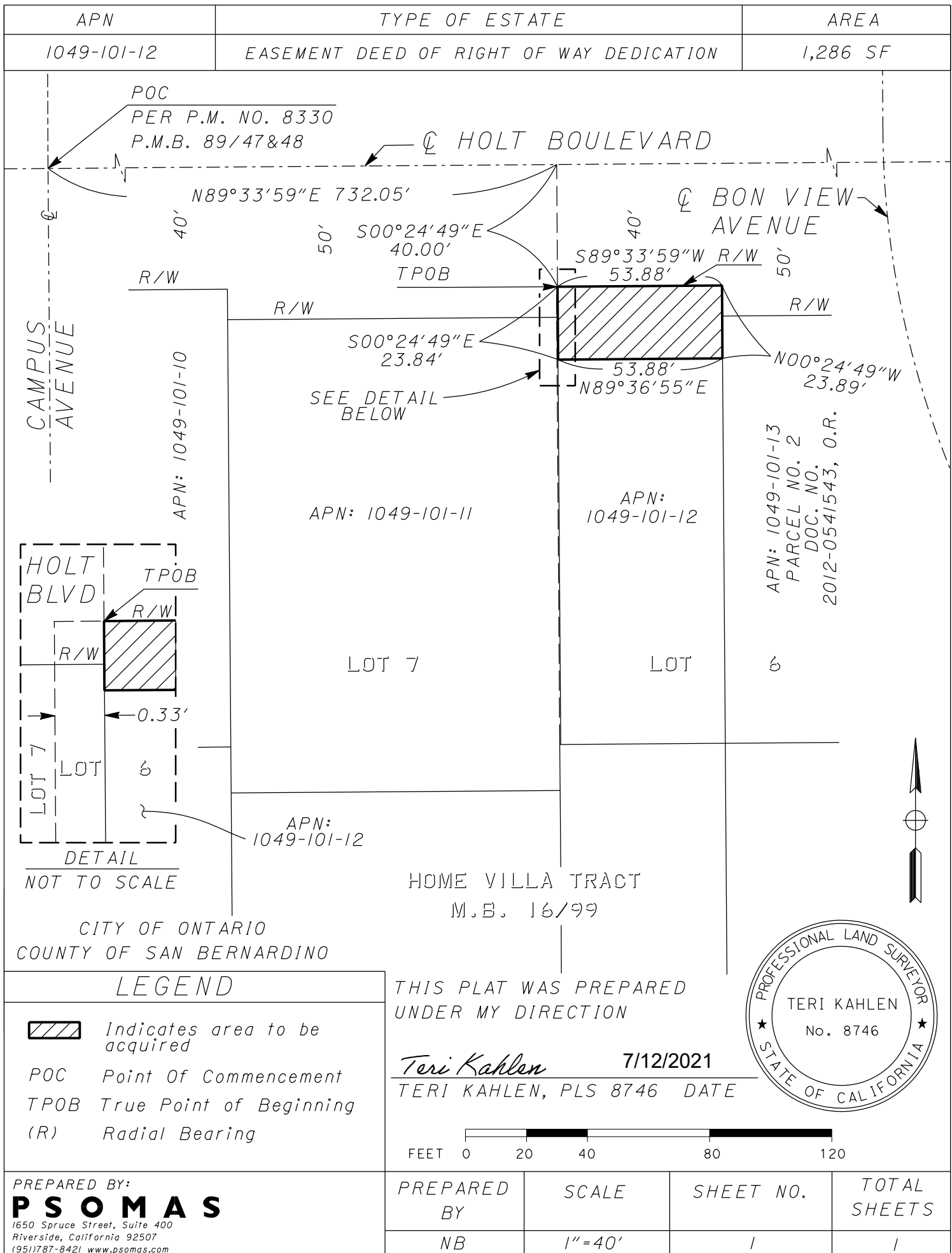
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/12/2021



EXHIBIT B



Map Check Report

Project: WVC - OC
 Alignment: 1049-101-12 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85640) | | 1845607.551 | 6671021.525 | 0.000 |
| | S 0°24'49" E | 23.84 | | | |
| POT (| 85642) | | 1845583.709 | 6671021.697 | 0.000 |
| | N 89°36'55" E | 53.88 | | | |
| POT (| 85647) | | 1845584.070 | 6671075.575 | 0.000 |
| | N 0°24'49" W | 23.89 | | | |
| POT (| 85648) | | 1845607.958 | 6671075.403 | 0.000 |
| | S 89°33'59" W | 53.88 | | | |
| POT (| 85640) | | 1845607.551 | 6671021.525 | 0.000 |

Northing Error: 0.004 ft
 Easting Error: -0.000 ft
 Closing Direction: S 0°27'52" E
 Closing Distance: 0.004 ft
 Closed Area: 1285.9 sq ft (0.0 ac)
 Perimeter: 155.490 ft
 Precision: 38624.305

EXHIBIT “2”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-12

That portion of Lot 6 of Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 732.05 feet to the northerly prolongation of a line parallel with and 0.33 feet easterly of the westerly line of said Lot 6;

thence along said northerly prolongation and said parallel line South $00^{\circ}24'49''$ East 63.84 feet to the **True Point of Beginning**;

thence leaving said parallel line North $89^{\circ}36'55''$ East 53.88 feet to the westerly line of Parcel No. 2 as described in the Grant Deed recorded December 19, 2012 as Document No. 2012-0541543 of Official Records in the office of said County Recorder;

thence along said westerly line South $00^{\circ}24'49''$ East 126.06 feet;

thence leaving said westerly line along the westerly prolongation of the southerly line of said Parcel No. 2 South $89^{\circ}34'17''$ West 53.88 feet to said first mentioned parallel line;

thence along said parallel line North $00^{\circ}24'49''$ West 126.10 feet to the **True Point of Beginning**.

Parcel contains 6,793 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: 7/12/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-101-12 | TEMPORARY CONSTRUCTION EASEMENT | 6,793 SF |

POC
PER P.M. NO. 8330
P.M.B. 89/47&48

Q HOLT BOULEVARD

Q BON VIEW AVENUE

N89°33'59"E 732.05'

50' 500°24'49"E 63.84'

40' 40' 50'

R/W R/W R/W

SEE DETAIL BELOW

APN: 1049-101-11

DOC. NO. 2010-0091369, O.R.

LOT 7

APN: 1049-101-12

LOT

N00°24'49"W 126.10'

N89°36'55"E 53.88'

S00°24'49"E 126.06'

53.88' S89°34'17"W

APN: 1049-101-13
PARCEL NO. 2
DOC. NO. 2012-0541543, O.R.

HOLT BLVD

R/W

R/W

0.33'

LOT 7

TPOB

DETAIL

NOT TO SCALE

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

HOME VILLA TRACT
M.B. 16/99

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 7/12/2021

TERI KAHLEN, PLS 8746 DATE

PROFESSIONAL LAND SURVEYOR
TERI KAHLEN
No. 8746
STATE OF CALIFORNIA

FEET 0 20 40 80 120

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

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

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-12 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85642) | | 1845583.709 | 6671021.697 | 0.000 |
| | N 89°36'55" E | 53.88 | | | |
| POT (| 85647) | | 1845584.070 | 6671075.575 | 0.000 |
| | S 0°24'49" E | 126.06 | | | |
| POT (| 85650) | | 1845458.019 | 6671076.485 | 0.000 |
| | S 89°34'17" W | 53.88 | | | |
| POT (| 85649) | | 1845457.615 | 6671022.608 | 0.000 |
| | N 0°24'49" W | 126.10 | | | |
| POT (| 85642) | | 1845583.709 | 6671021.697 | 0.000 |

Northing Error: -0.001 ft
 Easting Error: 0.000 ft
 Closing Direction: N 0°11'18" W
 Closing Distance: 0.001 ft
 Closed Area: 6792.8 sq ft (0.2 ac)
 Perimeter: 359.910 ft
 Precision: 282868.983

EXHIBIT “3”

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

APN: 1049-101-13

That portion of Lot 6 of The Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described as Parcel No. 2 in the Grant Deed recorded December 19, 2012 as Document No. 2012-0541543 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 840.14 feet to the northerly prolongation of the easterly line of said Parcel No. 2;

thence along said northerly prolongation and said easterly line South 00°24'49" East 50.00 feet to the **True Point of Beginning**;

thence continuing along said easterly line South 00°24'49" East 15.67 feet;

thence leaving said easterly line North 88°15'05" West 46.60 feet;

thence South 89°36'55" West 7.65 feet to the westerly line of said Parcel No. 2;

thence along said westerly line North 00°24'49" West 13.89 feet to a line parallel with and 50.00 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line North 89°33'59" East 54.21 feet to the **True Point of Beginning**.

Parcel contains 795 square feet, more or less.

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

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

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

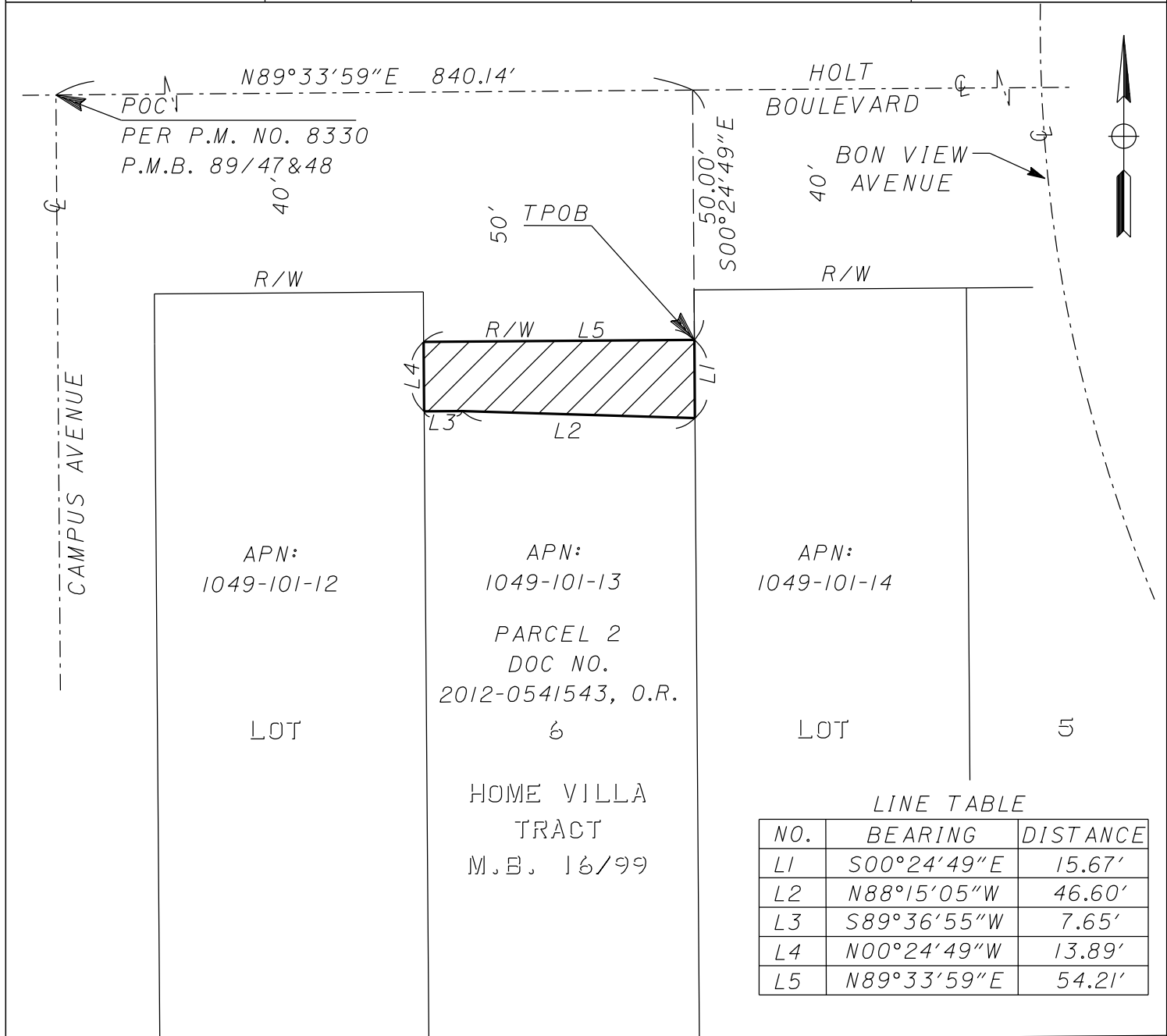
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/19/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|--------|
| 1049-101-13 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 795 SF |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

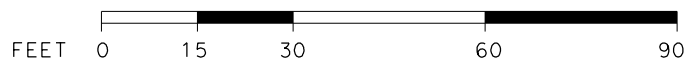
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/19/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-13 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85654) S 0°24'49" E | 15.67 | 1845598.369 | 6671129.683 | 0.000 |
| POT (| 85655) N 88°15'05" W | 46.60 | 1845582.700 | 6671129.797 | 0.000 |
| POT (| 85657) S 89°36'55" W | 7.65 | 1845584.122 | 6671083.221 | 0.000 |
| POT (| 85647) N 0°24'49" W | 13.89 | 1845584.070 | 6671075.575 | 0.000 |
| POT (| 85658) N 89°33'59" E | 54.21 | 1845597.959 | 6671075.475 | 0.000 |
| POT (| 85654) | | 1845598.369 | 6671129.683 | 0.000 |

Northing Error: 0.001 ft
 Easting Error: -0.007 ft
 Closing Direction: S 82°29'56" E
 Closing Distance: 0.007 ft
 Closed Area: 794.5 sq ft (0.0 ac)
 Perimeter: 138.011 ft
 Precision: 20034.180

EXHIBIT “4”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-13

That portion of Lot 6 of The Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described as Parcel No. 2 in the Grant Deed recorded December 19, 2012 as Document No. 2012-0541543 of Official Records in the office of said County Recorder.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 840.14 feet to the northerly prolongation of the easterly line of said Parcel No. 2;

thence along said northerly prolongation and said easterly line South 00°24'49" East 50.00 feet to the **True Point of Beginning**;

thence continuing along said easterly line South 00°24'49" East 15.67 feet;

thence leaving said easterly line North 88°15'05" West 46.60 feet;

thence South 89°36'55" West 7.65 feet to the westerly line of said Parcel No. 2;

thence along said westerly line North 00°24'49" West 13.89 feet to a line parallel with and 50.00 feet southerly of the centerline of said Holt Boulevard;

thence along said parallel line North 89°33'59" East 54.21 feet to the **True Point of Beginning**.

Parcel contains 6,792 square feet, more or less.

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

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

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

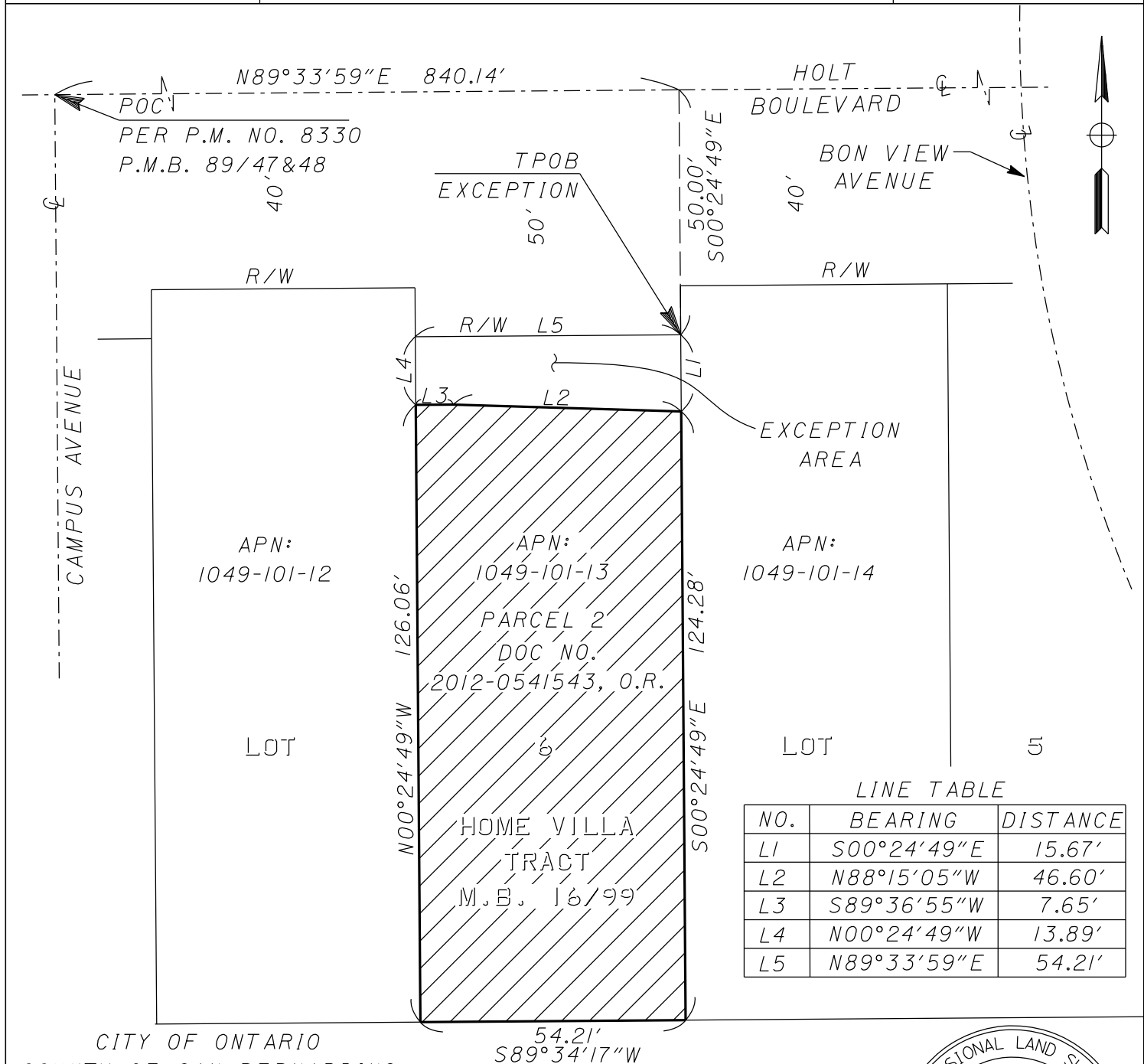
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/19/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-101-13 | TEMPORARY CONSTRUCTION EASEMENT | 6,792 SF |



LEGEND



Indicates area to be acquired

POC Point Of Commencement

TPOB True Point of Beginning

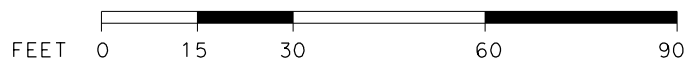
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/19/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-13 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85655) S 0°24'49" E | 124.28 | 1845582.700 | 6671129.797 | 0.000 |
| POT (| 85656) S 89°34'17" W | 54.21 | 1845458.424 | 6671130.694 | 0.000 |
| POT (| 85650) N 0°24'49" W | 126.06 | 1845458.019 | 6671076.485 | 0.000 |
| POT (| 85647) N 89°36'55" E | 7.65 | 1845584.070 | 6671075.575 | 0.000 |
| POT (| 85657) S 88°15'05" E | 46.60 | 1845584.122 | 6671083.221 | 0.000 |
| POT (| 85655) | | 1845582.700 | 6671129.797 | 0.000 |

Northing Error: 0.004 ft
 Easting Error: 0.007 ft
 Closing Direction: S 60°35'00" W
 Closing Distance: 0.008 ft
 Closed Area: 6791.9 sq ft (0.2 ac)
 Perimeter: 358.788 ft
 Precision: 45997.800

EXHIBIT “5”

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

APN: 1049-101-14

That portion of Lot 5 of The Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described as Parcel No. 2 in the Grant Deed recorded August 25, 2011 as Document No. 2011-0359585 of Official Records in the office of said County Recorder, described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 840.14 feet to the northerly prolongation of the westerly line of said Parcel No. 2;

thence along said northerly prolongation South $00^{\circ}24'49''$ East 40.00 feet to the northwesterly corner of said Parcel No. 2 and the **True Point of Beginning**;

thence along said westerly line South $00^{\circ}24'49''$ East 25.67 feet;

thence leaving said westerly line South $88^{\circ}15'05''$ East 54.58 feet to the easterly line of said Parcel No. 2;

thence along said easterly line North $00^{\circ}24'49''$ West 27.75 feet to the northeasterly corner of said Parcel No. 2;

thence along the northerly line of said Parcel No. 2 South $89^{\circ}33'59''$ West 54.54 feet to the **True Point of Beginning**.

Parcel contains 1,457 square feet, more or less.

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

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

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

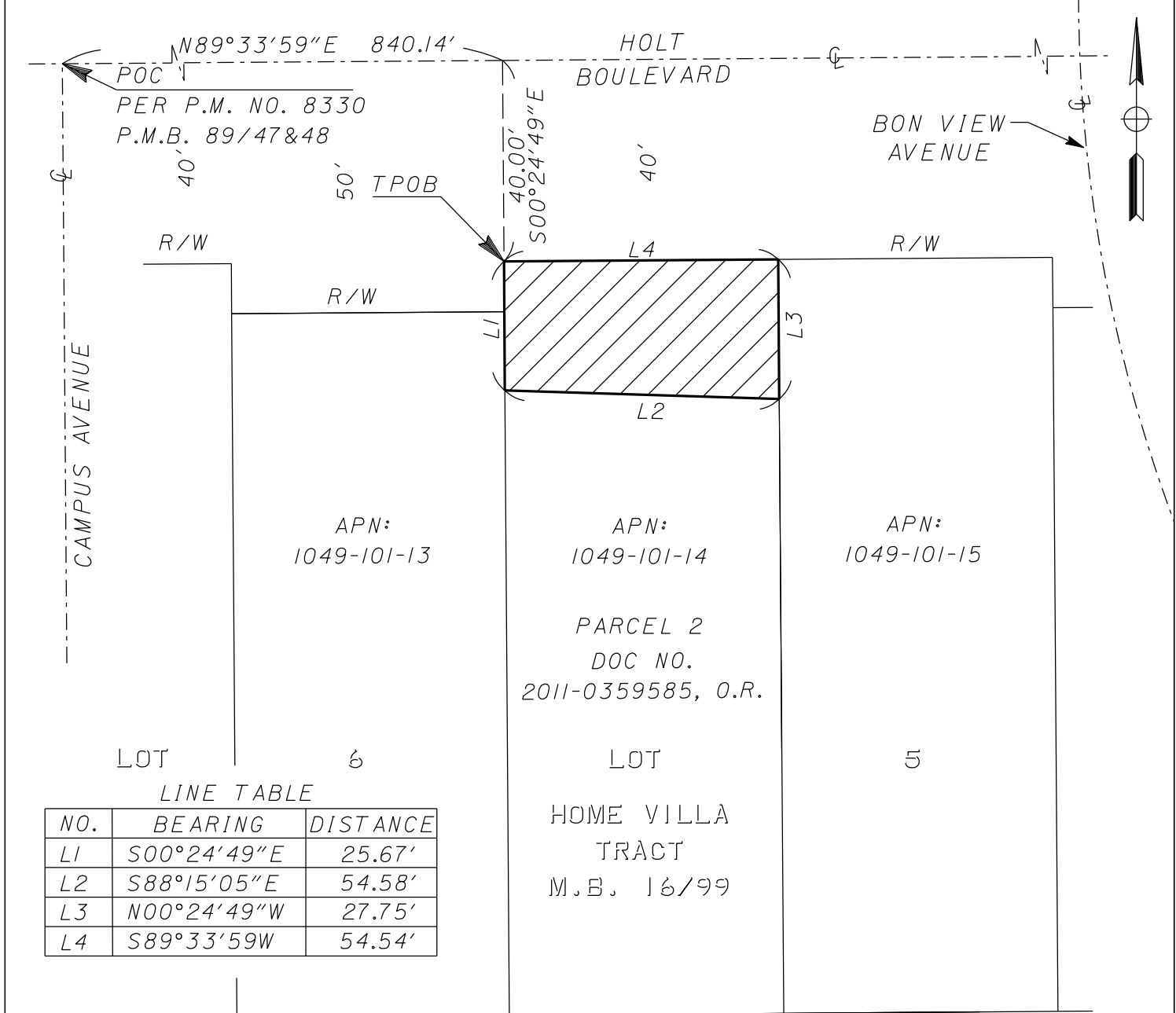
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/19/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|--|----------|
| 1049-101-14 | EASEMENT DEED OF RIGHT OF WAY DEDICATION | 1,457 SF |



CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

POC Point Of Commencement

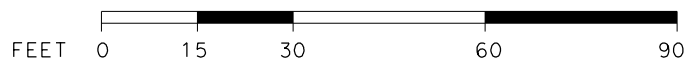
TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen 7/19/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-14 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85653) | | 1845608.369 | 6671129.611 | 0.000 |
| | S 0°24'49" E | 25.67 | | | |
| POT (| 85655) | | 1845582.700 | 6671129.797 | 0.000 |
| | S 88°15'05" E | 54.58 | | | |
| POT (| 85659) | | 1845581.035 | 6671184.349 | 0.000 |
| | N 0°24'49" W | 27.75 | | | |
| POT (| 85660) | | 1845608.781 | 6671184.149 | 0.000 |
| | S 89°33'59" W | 54.54 | | | |
| POT (| 85653) | | 1845608.369 | 6671129.611 | 0.000 |

Northing Error: 0.002 ft
 Easting Error: 0.001 ft
 Closing Direction: S 33°14'43" W
 Closing Distance: 0.002 ft
 Closed Area: 1456.6 sq ft (0.0 ac)
 Perimeter: 162.534 ft
 Precision: 78822.547

EXHIBIT “6”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-14

That portion of Lot 5 of The Home Villa Tract, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 16, Page 99 of Maps in the office of the County Recorder of said County described as Parcel No. 2 in the Grant Deed recorded August 25, 2011 as Document No. 2011-0359585 of Official Records in the office of said County Recorder.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Holt Boulevard and Campus Avenue as shown on Parcel Map No. 8330, per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 840.14 feet to the northerly prolongation of the westerly line of said Parcel No. 2;

thence along said northerly prolongation South $00^{\circ}24'49''$ East 40.00 feet to the northwesterly corner of said Parcel No. 2 and the **True Point of Beginning**;

thence along said westerly line South $00^{\circ}24'49''$ East 25.67 feet;

thence leaving said westerly line South $88^{\circ}15'05''$ East 54.58 feet to the easterly line of said Parcel No. 2;

thence along said easterly line North $00^{\circ}24'49''$ West 27.75 feet to the northeasterly corner of said Parcel No. 2;

thence along the northerly line of said Parcel No. 2 South $89^{\circ}33'59''$ West 54.54 feet to the **True Point of Beginning**.

Parcel contains 6,722 square feet, more or less.

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

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

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

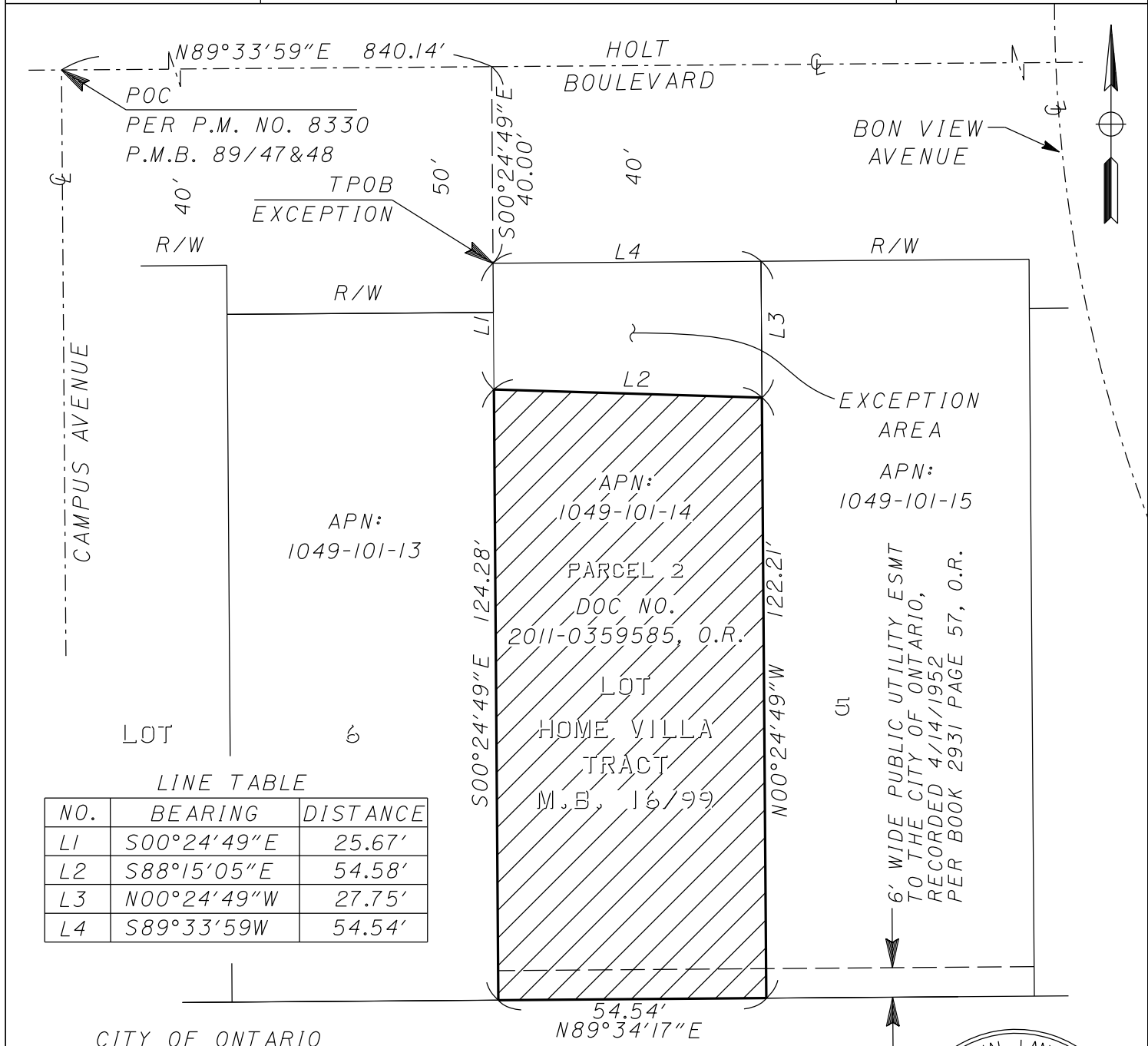
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/19/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-101-14 | TEMPORARY CONSTRUCTION EASEMENT | 6,722 SF |



LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | S00°24'49"E | 25.67' |
| L2 | S88°15'05"E | 54.58' |
| L3 | N00°24'49"W | 27.75' |
| L4 | S89°33'59"W | 54.54' |

CITY OF ONTARIO
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be acquired

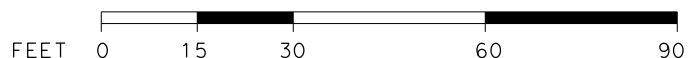
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

Teri Kahlen

7/19/2021

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

MN

SCALE

1"=30'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-14 TCE
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|-------------|-------------|-----------|
| POT (| 85655) S 0°24'49" E | 124.28 | 1845582.700 | 6671129.797 | 0.000 |
| POT (| 85656) N 89°34'17" E | 54.54 | 1845458.424 | 6671130.694 | 0.000 |
| POT (| 85661) N 0°24'49" W | 122.21 | 1845458.832 | 6671185.231 | 0.000 |
| POT (| 85659) N 88°15'05" W | 54.58 | 1845581.035 | 6671184.349 | 0.000 |
| POT (| 85655) | | 1845582.700 | 6671129.797 | 0.000 |

Northing Error: 0.004 ft
 Easting Error: -0.001 ft
 Closing Direction: S 18°21'39" E
 Closing Distance: 0.004 ft
 Closed Area: 6721.5 sq ft (0.2 ac)
 Perimeter: 355.602 ft
 Precision: 95998.118

EXHIBIT “7”

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

APN: 1049-101-15

That portion of Lot 5 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 as Parcel No. 1 in the Grant Deed recorded August 25, 2011 as Document No. 2011-0359585 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, formerly known as A Street, as shown on Parcel Map No. 8330 filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 949.22 feet to the intersection with the northerly prolongation of the easterly line of said Lot 5;

thence leaving said centerline along said northerly prolongation South $00^{\circ}24'49''$ East 40.00 feet to the northeasterly corner of said Lot 5 and the **True Point of Beginning**;

thence along the easterly line of said Lot 5 South $00^{\circ}24'49''$ East 29.83 feet;

thence leaving said easterly line North $88^{\circ}15'05''$ West 54.58 feet to the westerly line of said Parcel 1;

thence along said westerly line North $00^{\circ}24'49''$ West 27.75 feet to the northwesterly corner of said Parcel 1;

thence along the northerly line of said Lot 5 North $89^{\circ}33'59''$ East 54.54 feet to the **True Point of Beginning**.

Containing 1,570 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).

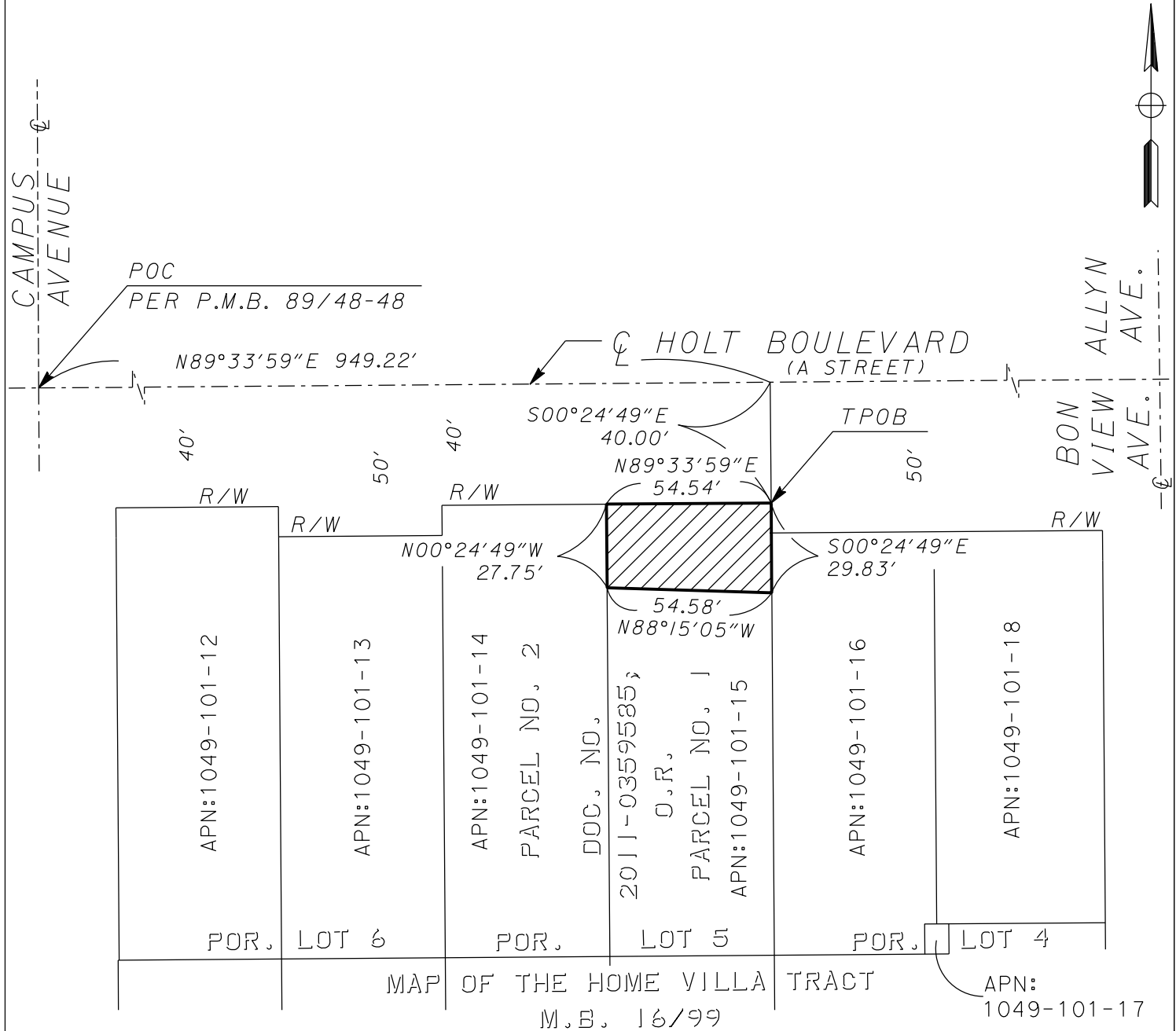
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/16/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---|----------|
| 1049-101-15 | EASEMENT DEED FOR RIGHT OF WAY DEDICATION | 1,570 SF |



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

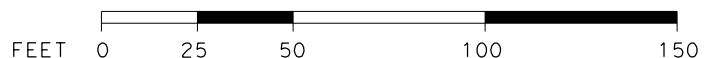
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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: 1049-101-15 ROW
 Description: ROW ESMT PCL

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|---------------|--------------------------|--------|------------|------------|-----------|
| POB (100090) | | | 1845609.19 | 6671238.69 | 0.00 |
| | S 0°24'49" E | 29.83 | | | |
| PI (100097) | | | 1845579.37 | 6671238.90 | 0.00 |
| | N 88°15'05" W | 54.58 | | | |
| PI (100095) | | | 1845581.03 | 6671184.35 | 0.00 |
| | N 0°24'49" W | 27.75 | | | |
| PI (100093) | | | 1845608.78 | 6671184.15 | 0.00 |
| | N 89°33'59" E | 54.54 | | | |
| POE (100090) | | | 1845609.19 | 6671238.69 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 33°14'43" E
 Closing Distance: 0.00 ft
 Closed Area: 1570 sq ft (0 ac)
 Perimeter: 166.69 ft
 Precision: 80839.93

EXHIBIT “8”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-15

That portion of Lot 5 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 as Parcel No. 1 in the Grant Deed recorded August 25, 2011 as Document No. 2011-0359585 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, formerly known as A Street, as shown on Parcel Map No. 8330 filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard North 89°33'59" East 949.22 feet to the intersection with the northerly prolongation of the easterly line of said Lot 5;

thence leaving said centerline along said northerly prolongation South 00°24'49" East 40.00 feet to the northeasterly corner of said Lot 5;

thence along the easterly line of said Lot 5 South 00°24'49" East 29.83 feet to the **True Point of Beginning**;

thence leaving said easterly line North 88°15'05" West 54.58 feet to the westerly line of said Parcel 1;

thence along said westerly line South 00°24'49" East 10.51 feet;

thence leaving said westerly line South 88°15'05" East 33.92 feet;

thence South 01°44'55" West 14.50 feet;

thence South 88°15'05" East 21.20 feet to said easterly line;

thence along said easterly line North 00°24'49" West 25.02 feet to the **True Point of Beginning**.

Containing 877 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, PLS 8746

Date: _____

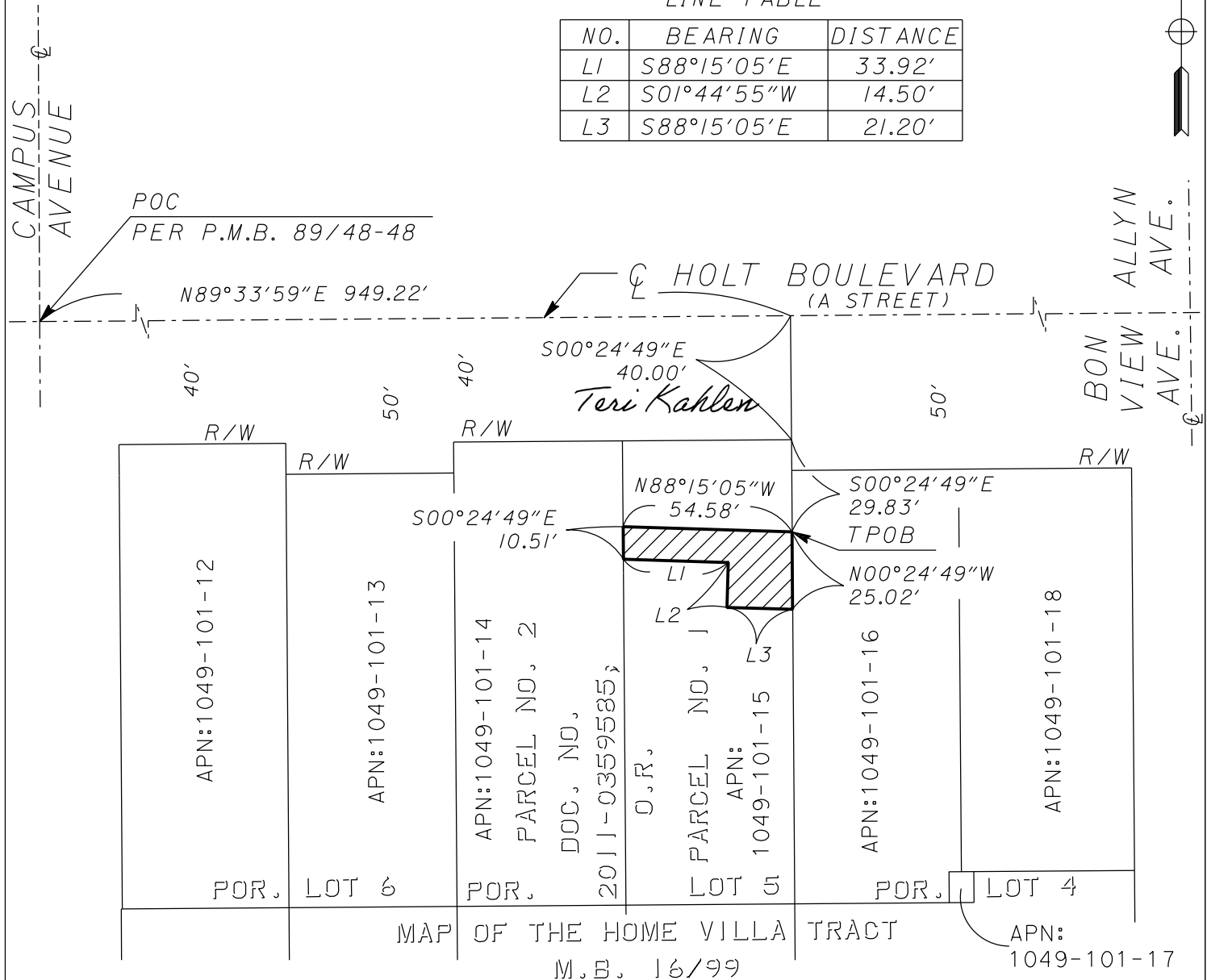


EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|--------|
| 1049-101-15 | TEMPORARY CONSTRUCTION EASEMENT | 877 SF |

LINE TABLE

| NO. | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | S88°15'05"E | 33.92' |
| L2 | S01°44'55"W | 14.50' |
| L3 | S88°15'05"E | 21.20' |



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

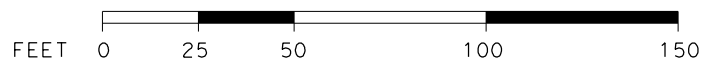
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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: 1049-101-15 TCE
 Description: TCE

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|------------|------------|-----------|
| POB (| 100097) | | 1845579.37 | 6671238.90 | 0.00 |
| | N 88°15'05" W | 54.58 | | | |
| PI (| 100095) | | 1845581.03 | 6671184.35 | 0.00 |
| | S 0°24'49" E | 10.51 | | | |
| PI (| 100098) | | 1845570.53 | 6671184.42 | 0.00 |
| | S 88°15'05" E | 33.92 | | | |
| PI (| 100099) | | 1845569.49 | 6671218.33 | 0.00 |
| | S 1°44'55" W | 14.50 | | | |
| PI (| 100100) | | 1845555.00 | 6671217.89 | 0.00 |
| | S 88°15'05" E | 21.20 | | | |
| PI (| 100102) | | 1845554.35 | 6671239.08 | 0.00 |
| | N 0°24'49" W | 25.02 | | | |
| POE (| 100097) | | 1845579.37 | 6671238.90 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: -0.01 ft
 Closing Direction: N 89°12'14" E
 Closing Distance: 0.01 ft
 Closed Area: 877 sq ft (0 ac)
 Perimeter: 159.73 ft
 Precision: 21427.98

EXHIBIT “9”

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

APN: 1049-101-16

That portion of Lot 4 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 as Parcel No. 2 in the Grant Deed recorded January 23, 2012 as Document No. 2012-0025221 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, formerly known as A Street, as shown on Parcel Map No. 8330 filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard North $89^{\circ}33'59''$ East 949.22 feet to the intersection with the northerly prolongation of the westerly line of said Lot 4;

thence leaving said centerline and along said northerly prolongation and the westerly line of said Lot 4 South $00^{\circ}24'49''$ East 50.00 feet to the **True Point of Beginning** and the intersection with the southerly line of the northerly 10.00 feet of said Lot 4 as described in the Grant Deed recorded May 31, 1963 in Book 5920, Page 319 of Official Records in the office of the County Recorder of said County;

thence along said westerly line South $00^{\circ}24'49''$ East 19.83 feet;

thence leaving said westerly line South $88^{\circ}15'05''$ East 53.91 feet to the easterly line of said Parcel 2;

thence along said easterly line North $00^{\circ}24'49''$ West 21.88 feet to said southerly line;

thence along the southerly line South $89^{\circ}33'59''$ West 53.87 feet to the **True Point of Beginning**.

Containing 1,123 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).

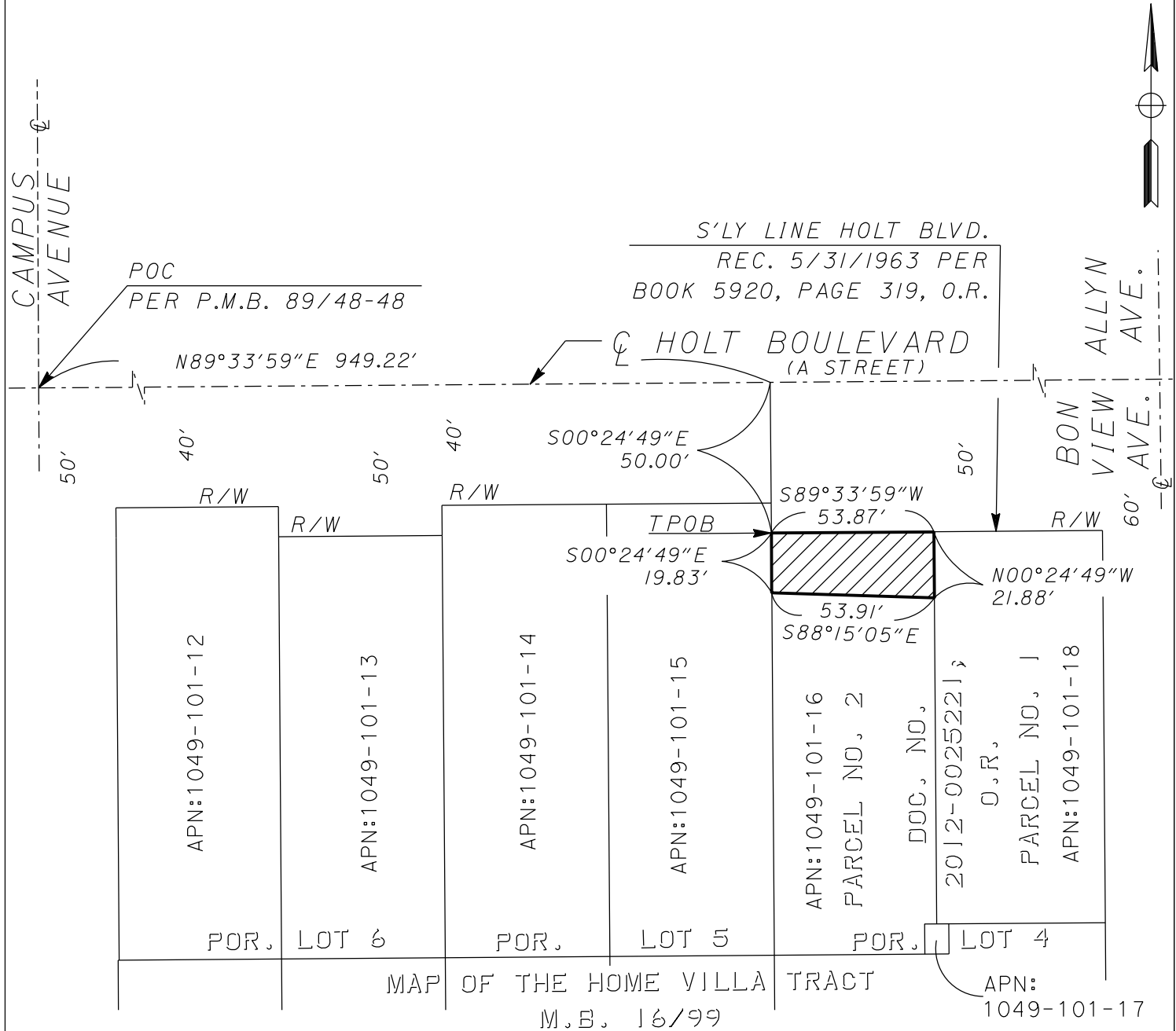
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/16/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---|----------|
| 1049-101-16 | EASEMENT DEED FOR RIGHT OF WAY DEDICATION | 1,123 SF |



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND

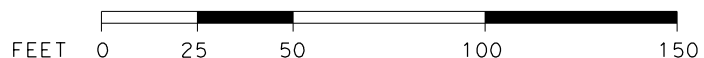


Indicates area to be acquired

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: 1049-101-16 ROW
 Description: ROW ESMT

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|---------------|--------------------------|--------|------------|------------|-----------|
| POB (100091) | | | 1845599.19 | 6671238.76 | 0.00 |
| | S 0°24'49" E | 19.83 | | | |
| PI (100097) | | | 1845579.37 | 6671238.90 | 0.00 |
| | S 88°15'05" E | 53.91 | | | |
| PI (100096) | | | 1845577.72 | 6671292.79 | 0.00 |
| | N 0°24'49" W | 21.88 | | | |
| PI (100094) | | | 1845599.60 | 6671292.63 | 0.00 |
| | S 89°33'59" W | 53.87 | | | |
| POE (100091) | | | 1845599.19 | 6671238.76 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: 0.00 ft
 Closing Direction: N 30°43'15" W
 Closing Distance: 0.00 ft
 Closed Area: 1123 sq ft (0 ac)
 Perimeter: 149.49 ft
 Precision: 46569.35

EXHIBIT “10”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-16

That portion of Lot 4 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 as Parcel No. 2 in the Grant Deed recorded January 23, 2012 as Document No. 2012-0025221 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, formerly known as A Street, as shown on Parcel Map No. 8330 filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of the County Recorder of said County;

thence along the centerline of said Holt Boulevard North 89°33'59" East 949.22 feet to the intersection with the northerly prolongation of the westerly line of said Lot 4;

thence leaving said centerline and along said northerly prolongation and the westerly line of said Lot 4 South 00°24'49" East 50.00 feet to the intersection with the southerly line of the northerly 10.00 feet of said Lot 4 as described in the Grant Deed recorded May 31, 1963 in Book 5920, Page 319 of Official Records in the office of the County Recorder of said County;

thence along said westerly line South 00°24'49" East 19.83 feet to the **True Point of Beginning**;

thence leaving said westerly line South 88°15'05" East 53.91 feet to the easterly line of said Parcel 2;

thence along said easterly line South 00°24'49" West 25.02 feet;

thence leaving said easterly line North 88°15'05" West 53.91 feet to said westerly line;

thence along said westerly line North 00°24'49" West 25.02 feet to the **True Point of Beginning**.

Containing 1,348 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).

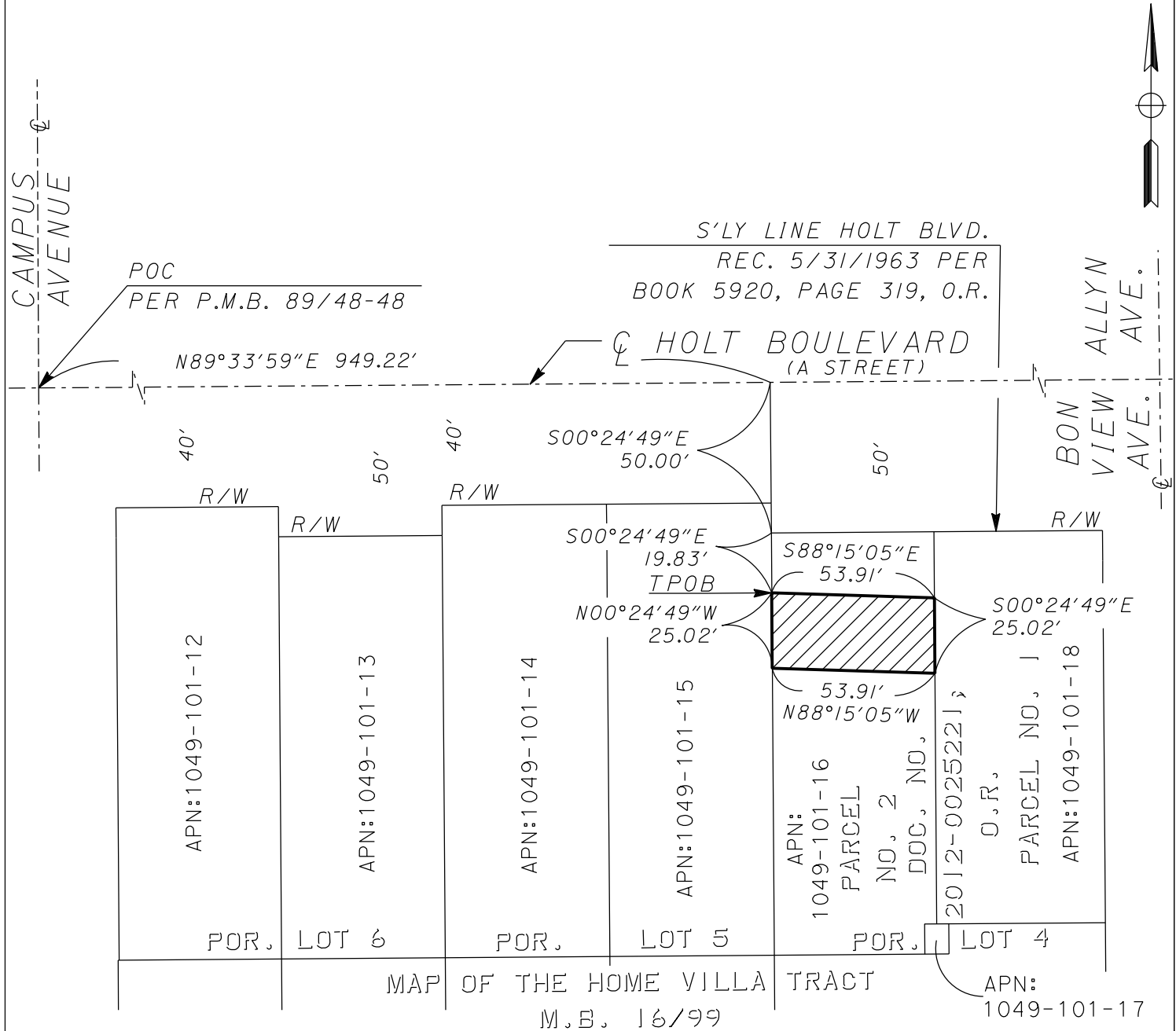
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 3/16/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-101-16 | TEMPORARY CONSTRUCTION EASEMENT | 1,348 SF |



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

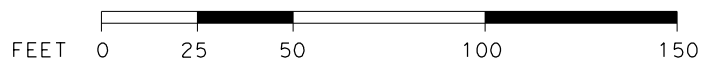
POC Point Of Commencement
TPOB True Point of Beginning
(R) Radial Bearing

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: 1049-101-16 TCE
 Description: TCE

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|---------------|--------------------------|--------|------------|------------|-----------|
| POB (100097) | | | 1845579.37 | 6671238.90 | 0.00 |
| | S 88°15'05" E | 53.91 | | | |
| PI (100096) | | | 1845577.72 | 6671292.79 | 0.00 |
| | S 0°24'49" E | 25.02 | | | |
| PI (100101) | | | 1845552.71 | 6671292.97 | 0.00 |
| | N 88°15'05" W | 53.91 | | | |
| PI (100102) | | | 1845554.35 | 6671239.08 | 0.00 |
| | N 0°24'49" W | 25.02 | | | |
| POE (100097) | | | 1845579.37 | 6671238.90 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 89°35'11" E
 Closing Distance: 0.00 ft
 Closed Area: 1348 sq ft (0 ac)
 Perimeter: 157.86 ft
 Precision: 1301396.40

EXHIBIT “11”

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

APN: 1049-101-18

That portion of Lot 4 of The 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 as Parcel No. 1 in the Grant Deed recorded January 23, 2012 as Document No. 2012-0025221 of Official Records in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, as shown on Parcel Map No. 8330 per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 1,058.97 feet to the northerly prolongation of the easterly line of said Parcel No. 1;

thence leaving said centerline along said northerly prolongation South 00°24'49" East 50.00 feet to the **True Point of Beginning**.

thence along said easterly line South 00°24'49" East 24.01 feet;

thence leaving said easterly line North 88°15'05" West 55.91 feet to the westerly line of said Parcel No. 1;

thence along said westerly line North 00°24'49" West 21.88 feet to the northerly line of said Parcel No. 1;

thence along said northerly line North 89°33'59" East 55.87 feet to the **True Point of Beginning**.

Parcel contains 1,282 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).

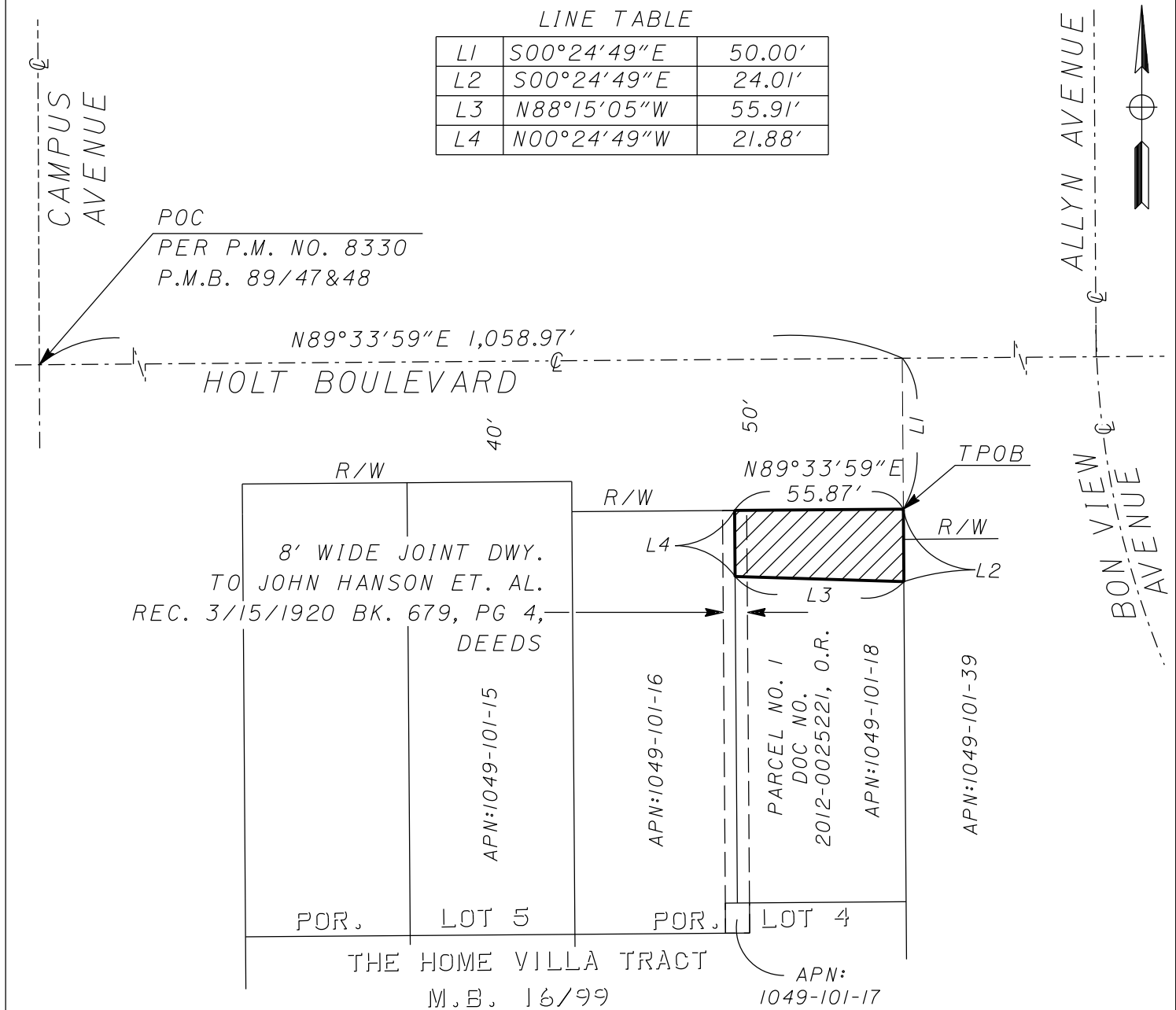
Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/16/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---|----------|
| 1049-101-18 | EASEMENT DEED FOR RIGHT OF WAY DEDICATION | 1,282 SF |



CITY OF ONTARIO,
COUNTY OF SAN BERNARDINO

LEGEND



Indicates area to be
acquired

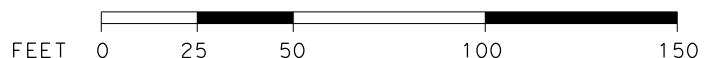
POC Point Of Commencement

TPOB True Point of Beginning

(R) Radial Bearing

THIS PLAT WAS PREPARED
UNDER MY DIRECTION

TERI KAHLEN, PLS 8746 DATE



PREPARED BY:

PSOMAS

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

PREPARED
BY

CS

SCALE

1"=50'

SHEET NO.

1

TOTAL
SHEETS

1

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-18 ROW
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|------------|------------|-----------|
| POB (| 65639) | | 1845600.02 | 6671348.51 | 0.00 |
| | S 0°24'49" E | 24.01 | | | |
| PI (| 85320) | | 1845576.02 | 6671348.68 | 0.00 |
| | N 88°15'05" W | 55.91 | | | |
| PI (| 65641) | | 1845577.72 | 6671292.79 | 0.00 |
| | N 0°24'49" W | 21.88 | | | |
| PI (| 65640) | | 1845599.60 | 6671292.63 | 0.00 |
| | N 89°33'59" E | 55.87 | | | |
| POE (| 65639) | | 1845600.02 | 6671348.51 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 9°56'38" E
 Closing Distance: 0.00 ft
 Closed Area: 1281.93 sq ft (0.03 ac)
 Perimeter: 157.68 ft
 Precision: 144596.41

EXHIBIT “12”

EXHIBIT 'A'
Legal Description
Temporary Construction Easement

APN: 1049-101-18

That portion of Lot 4 of The 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 as Parcel No. 1 in the Grant Deed recorded January 23, 2012 as Document No. 2012-0025221 of Official Records in the office of the County Recorder of said County.

EXCEPT THEREFROM that portion described as follows:

Commencing at the centerline intersection of Campus Avenue and Holt Boulevard, as shown on Parcel Map No. 8330 per map filed in Book 89, Pages 47 and 48 of Parcel Maps in the office of said County Recorder;

thence along the centerline of said Holt Boulevard North 89°33'59" East 1,058.97 feet to the northerly prolongation of the easterly line of said Parcel No. 1;

thence leaving said centerline along said northerly prolongation South 00°24'49" East 50.00 feet to the **True Point of Beginning**.

thence along said easterly line South 00°24'49" East 24.01 feet;

thence leaving said easterly line North 88°15'05" West 55.91 feet to the westerly line of said Parcel No. 1;

thence along said westerly line North 00°24'49" West 21.88 feet to the northerly line of said Parcel No. 1;

thence along said northerly line North 89°33'59" East 55.87 feet to the **True Point of Beginning**.

Parcel contains 5,981 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: 7/16/2021



EXHIBIT B

| APN | TYPE OF ESTATE | AREA |
|-------------|---------------------------------|----------|
| 1049-101-18 | TEMPORARY CONSTRUCTION EASEMENT | 5,981 SF |

CAMPUS AVENUE

POC
PER P.M. NO. 8330
P.M.B. 89/47&48

HOLT BOULEVARD

N89°33'59"E 1,058.97'

R/W

8' WIDE JOINT DWY.
TO JOHN HANSON ET. AL.
REC. 3/15/1920 BK. 679, PG 4,
DEEDS

APN:1049-101-14

LOT 5

THE HOME VILLA TRACT
M.B. 16/99

APN:1049-101-17

| LI | Bearing | Distance |
|----|-------------|----------|
| L1 | S00°24'49"E | 50.00' |
| L2 | S00°24'49"E | 24.01' |
| L3 | N88°15'05"W | 55.91' |
| L4 | N00°24'49"W | 21.88' |
| L5 | S00°24'49"E | 108.11' |
| L6 | N89°33'59"E | 55.87' |

ALLYN AVENUE

BON VIEW AVENUE

TPOB EXCEPTION

EXCEPTION AREA

DOC NO. 2012-0025221, O.R.

PARCEL NO. 1

APN:1049-101-18

LOT 4

LOT 5

APN:1049-101-16

APN:1049-101-17

APN:1049-101-39

N89°33'59"E 55.87'

N00°24'49"W 105.98'

L1

L2

L3

L4

L5

L6

R/W

R/W

R/W

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 7/16/2021
TERI KAHLEN, PLS 8746 DATE

FEET 0 25 50 100 150

| PREPARED BY | SCALE | SHEET NO. | TOTAL SHEETS |
|-------------|--------|-----------|--------------|
| CS | 1"=50' | I | I |

PREPARED BY:

PSOMAS

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

Map Check Report

Project: WVC - OC
 Alignment: 1049-101-18 TCE Area
 Description:

| Type | Point Name\ Direction | Length | Northing | Easting | Elevation |
|-------|--------------------------|--------|------------|------------|-----------|
| POB (| 85320) | | 1845576.02 | 6671348.68 | 0.00 |
| | N 88°15'05" W | 55.91 | | | |
| PI (| 65641) | | 1845577.72 | 6671292.79 | 0.00 |
| | S 0°24'49" E | 108.11 | | | |
| PI (| 65642) | | 1845469.61 | 6671293.57 | 0.00 |
| | N 89°33'59" E | 55.87 | | | |
| PI (| 65643) | | 1845470.04 | 6671349.44 | 0.00 |
| | N 0°24'49" W | 105.98 | | | |
| POE (| 85320) | | 1845576.02 | 6671348.68 | 0.00 |

Northing Error: -0.00 ft
 Easting Error: -0.00 ft
 Closing Direction: N 9°56'38" E
 Closing Distance: 0.00 ft
 Closed Area: 5981.37 sq ft (0.14 ac)
 Perimeter: 325.89 ft
 Precision: 298849.70