

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/24/2012 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2012/30

In the Matter of:

The Board of Supervisors of Contra Costa County, California, by vote of four-fifths or more of its members, **RESOLVES** that:

Pursuant to Government Code Section 25350.5 and Streets & Highways Code Section 760, Contra Costa County (County) and Contra Costa Transportation Authority (CCTA) in cooperation with the State of California, acting by and through its Department of Transportation (Caltrans), intend to widen and improve State Route 4 from west of Loveridge Road to State Route 160, a public improvement in the Antioch area and, in connection therewith, acquire interests in certain real property.

The properties to be acquired consist of eight (8) parcels located in the Antioch area. The properties are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

Whereas:

On December 8, 2011, notice of the County's intention to adopt a resolution of necessity for acquisition by eminent domain of the real property described in Exhibit "A" was sent to persons whose names appear on the last equalized County Assessment Roll as owner(s) of said property. The notice specified January 24, 2012, at 10:00 a.m., in the Board of Supervisors Chambers in the Administration Building, 651 Pine Street, Martinez, California, as the date, time and place for the hearing thereon.

The hearing was held on that date and at that time and place, and all interested parties were given an opportunity to be heard. Based upon the evidence presented to it, this Board finds, determines and hereby declares the following:

1. The public interest and necessity require the proposed project; and
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
3. The property described herein is necessary for the proposed project; and
4. The offer required by Section 7267.2 of the Government Code was made to the owner or owners of record.
5. Insofar as any of the property described in this resolution has heretofore been dedicated to a public use, the acquisition and use of such property by Contra Costa County for the purposes identified herein is for a more necessary public use than the use to which the property has already been appropriated, or is for a compatible public use. This determination and finding is made and this resolution is adopted pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610.
6. On June 27, 2006, this Board **APPROVED** the proposed Project and **ADOPTED** the Negative Declaration and Finding of No Significant Impact pertaining to this Project that was approved on August 2, 2005.

Now, Therefore, Be It Resolved:

The County Counsel of this County is hereby **AUTHORIZED** and **EMPOWERED**:

To acquire in the County's name, by condemnation, the titles, easements and rights of way hereinafter described in and to said real property or interest(s) therein, in accordance with the provisions for eminent domain in the Code of Civil Procedure and the Constitution of California:

Parcels 1, 2, 5 and 6 are to be acquired in fee title;

Parcel 7 is to be acquired as permanent tieback easement; and

Parcels 3, 4, and 8 are to be acquired as temporary construction easements;

To prepare and prosecute in the County's name such proceedings in the proper court as are necessary for such acquisition; and

To deposit the probable amount of compensation, based on an appraisal, and to apply to said court for an order permitting the County to take immediate possession and use said real property for said public uses and purposes.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**Contact: Carmen Piña-Sandoval, (925)
313-2012**

ATTESTED: January 24, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Real Property Division, Sheila Minor