

Recorded at the request of: Real Estate Division, Public Works Department

Return To: Angela Bell, Real Estate Division

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

Adopted this Resolution on 12/11/2012 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2012/308

SUBJECT: ADOPT Resolution No. 2012/308 to vacate a portion of excess road right of way, Martinez Area, District V. Project No.:0676-6P4009 CP #11-08

WHEREAS, in 1953, the California Highway Commission, by Resolution recorded September 9, 1953 in Book 2215 Page 279, relinquished to the County Carquinez Road (formerly State Route 14) between the Crockett and Martinez. Carquinez Road was later renamed Carquinez Scenic Drive and was maintained as a County street.

WHEREAS, in 1983, the Contra Costa County Board of Supervisors (Board) authorized the indefinite closure of a 1.7-mile section of Carquinez Scenic Drive, due to storm damage. On November 30, 2004, the Board adopted Traffic Resolution No. 2004/4093 approving the closure of the road in order to prevent nighttime criminal activity.

WHEREAS, the County no longer requires the right-of-way for the above-described section of Carquinez Scenic Drive for County street purposes. The above-described section of Carquinez Scenic Drive is impassible for vehicle travel, and, for at least the past five years, no County funds have been used to maintain that segment of roadway as a County street.

WHEREAS, the East Bay Regional Park District (EBRPD) desires to convert the above-described 1.7-mile section of Carquinez Scenic Drive to a Class I multi-use bicycle/pedestrian trail, and to repair the existing pavement with slope stability improvements (the "Project"). On or about March 13, 2012, the County and EBRPD entered into a memorandum of understanding to define the parties' respective Project-related obligations.

WHEREAS, public convenience and necessity require that the County reserve the easement and right, at any time or from time to time, to construct, maintain, operate, replace, remove, and renew vehicular or non-vehicular trails for use by the public in, upon, over, and across the above-described section of Carquinez Scenic Drive, which is more particularly described in the legal description and map attached hereto as Exhibit A, and incorporated herein by reference.

WHEREAS, Public Works Department staff concluded that it can be seen with certainty that there is no possibility that vacating the above-described section of Carquinez Scenic Drive may have a significant adverse effect on the environment, CP # 11-08.

WHEREAS, there are no known public utility facilities within the above-described section of Carquinez Scenic Drive.

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors, that:

1. That section of Carquinez Scenic Drive described and depicted in Exhibit A, attached hereto and incorporated herein by

reference, is hereby summarily VACATED, pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways Code.

2. The easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew vehicular or non-vehicular trails for use by the public in, upon, over, and across, that section of Carquinez Scenic Drive described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby RESERVED and EXCEPTED from the vacation described in Section 1 of this Resolution, pursuant to Division 9, Part 3, Chapter 5 of the Streets and Highways Code.

3. The Board DIRECTS the Public Works Director, or designee, to cause a certified copy of this Resolution to be recorded. On and after the date this resolution is recorded, the above-described segment of Carquinez Scenic Drive is not a County street.

4. The Board FINDS that vacating a portion of the easement does not have a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 5, section 1506(b)(3).

Contact: Angela Bell (925) 313-2337

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.

ATTESTED: December 11, 2012

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

By: , Deputy

cc: M. Flores, Real Estate Division, B. Saengchalern, Transportation Engineering, H. Heard, Environmental, M. Parks, Dept of Conservation & Development, J. Townsend, East Bay Regional Park District, M. Reeves, East Bay Regional Park District