

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

Adopted this Resolution on 01/12/2016 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2016/17

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 943, Contra Costa County (County) intends to construct the Byron Highway and Camino Diablo Intersection Improvement Project (Project), in the Byron area of east Contra Costa County. The Project is a public improvement that consists of improving the intersection of Byron Highway and Camino Diablo. The Project will include widening Byron Highway and Camino Diablo, installing new traffic signal lights and road improvements to accommodate left turn lanes, and adding paved shoulders. The road improvements will be located within an approximately 1,300-foot segment of Byron Highway and an approximately 800-foot segment of Camino Diablo. In connection with the Project, the County must acquire interests in certain real property, as described herein.

The property interests to be acquired consist of ten (10) parcels that are generally located in the unincorporated Byron area. The property interests are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

On November 17, 2015, notice of the County's intention to adopt a resolution of necessity for acquisition by eminent domain of the real property described in Appendix "A" was sent to persons whose names appear on the last equalized County Assessment Roll as owners of said properties. The persons who received the notice are listed in Exhibit "A". The notice specified January 12, 2016, at 9:00 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 properties described herein are necessary for the proposed Project; and
4. The offers required by Section 7267.2 of the Government Code were 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 9, 2015, this Board APPROVED the proposed Project and ADOPTED the Mitigated Negative Declaration pertaining to this Project that was filed on June 1, 2015. (SCH#2015042014)

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 the State of California, as more particularly described in Appendix A:

Parcels 1, 2, 3, 4, 5, 6, 7, and 9 are to be acquired in fee title.

Parcels 8 and 10 are to be acquired as temporary construction easements for a period of 18 months between June 1, 2016, and December 31, 2017.

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: David Kramer, 925-313-2227

ATTESTED: January 12, 2016

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

By: , Deputy

cc: