

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

Adopted this Resolution on 06/14/2016 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2016/397

Re: Condemnation of Property for Public Road Purposes, Balfour Road Shoulder Widening Project, Brentwood Area
RESOLUTION OF NECESSITY NO. 2016/397 C.C.P. Sec. 1245.230

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 943, Contra Costa County (County) intends to construct the Balfour Road Shoulder Widening Project (Project), in the Brentwood area of east Contra Costa County. The Project is a public improvement to Balfour Road, a county road, between Sellers Avenue in the City of Brentwood and Bixler Road in the Town of Discovery Bay, in eastern Contra Costa County. The Project will include widening this approximately three-mile-long segment of Balfour Road from its existing 18- to 20-foot pavement width, to a new pavement width of 36 feet. The Project will add a 12-foot-wide travel lane, a 6-foot wide paved shoulder/bike lane, and a 2-foot wide shoulder backing in each direction of travel on this segment of roadway. Left turn pockets will be added on the east and west segments of Balfour Road at its intersection with Byron Highway, and a left turn pocket will be added on the western segment of Balfour Road at its intersection with Bixler Road. A drainage system consisting of an open roadside ditch and underground pipe along the south side of the road will be installed to collect and convey roadside runoff. In connection with the Project, the County must acquire interests in certain real property.

The property interests to be acquired consist of three (3) separate parcels that are generally located in the Brentwood area. The property interests are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

On May 25, 2016, 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 property. The notice specified June 14, 2016, at 9:30 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, December 15, 2015, this Board APPROVED the Project and ADOPTED the California Environmental Quality Act Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program pertaining to this Project. The CEQA Notice of Determination was filed with the County Clerk on December 17, 2015.

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 interests therein, in

accordance with the provisions for eminent domain in the Code of Civil Procedure and the Constitution of the State of California: Parcels 3 and 5 are to be acquired in fee title; Parcel 28 is to be acquired as a temporary construction easement for a period of twelve (12) months between January 1, 2017, 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: Jessica Dillingham, (925) 313-2224

ATTESTED: June 14, 2016

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

By: , Deputy

cc: