

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

Adopted this Resolution on 04/28/2020 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2020/107

IN THE MATTER OF: Resolution of Necessity for acquisition by eminent domain of real property required for the Danville Boulevard/Orchard Court Complete Street Improvements Project, Alamo area. (Project No.: 0662-6R4128, Federal Project No.: HSIPL-5928 (140))

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 and Highways Code Section 943, Contra Costa County intends to construct the Danville Boulevard/Orchard Court Complete Street Improvements ("Project"), in the Alamo area of Central Contra Costa County. The Project is located at and near the intersection of Danville Boulevard and Orchard Court, in the unincorporated Alamo area. The Project will construct a roundabout at that intersection. The Project will include curb extensions, curb ramps, and entry medians at the roundabout to reduce vehicle speeds and improve pedestrian crossings. Sidewalks will be reconstructed through the corridor, along with curb extensions and curb ramps in order to meet Americans with Disabilities Act requirements and to accommodate existing mature trees in the sidewalk. The Project is intended to enhance the safety of the traveling public at this intersection, and to improve accessibility for persons with disabilities.

The properties to be acquired consist of six (6) separate parcels that are generally located in the Alamo area. The properties are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to all persons listed on the attached Exhibit "A" whose names and addresses appear on the last equalized county assessment roll. This notice consisted of sending by first-class and certified mail on April 10, 2020, a Notice of Intention to Adopt a Resolution of Necessity, which notified the owners that a hearing to consider the resolution of necessity is scheduled for April 28, 2020, at 9:30 a.m., in the Board's Chambers at 651 Pine Street, Martinez, California. Those notices indicated that, at the above time and place, the owners may appear to be heard on the matters referred to in the notice.

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 September 18, 2018, this Board APPROVED the proposed Project and ADOPTED the California Environmental Quality Act (CEQA), Class 1(c) Categorical Exemption, pursuant to Article 19, Section 15301 of the CEQA Guidelines pertaining to this project that was filed on September 19, 2018.

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:

Each of Parcels 1 and 3 described in Appendix "A" is to be acquired in fee title; and

Each of Parcels 2, 4, and 5 described in Appendix "A" is to be acquired as a temporary construction easement for a period of twenty-one (21) months, between October 1, 2020, and June 30, 2022; and

Parcel 6 described in Appendix "A" is to be acquired as temporary construction easement for a period of twenty-one (21) months, between October 1, 2020, and June 30, 2022; and said temporary construction easement will be non-exclusive from October 1, 2020, through March 31, 2021, and it will be exclusive from April 1, 2021, through June 30, 2022.

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

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 prejudgment 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: Jann Edmunds, 925. 957-2454

ATTESTED: April 28, 2020

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

By: , Deputy

cc: