

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

Adopted this Resolution on 01/19/2021 by the following vote:

**AYE:**

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**



**Resolution No. 2021/26**

IN THE MATTER OF: Resolution of Necessity for acquisition by eminent domain of real property required for the Byron Highway/Byer Road Safety Improvements Project, Byron area. (Project No.: 0662-6R4147, Federal Project No.: HSIPL-5928 (143))

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 intends to construct the Byron Highway/Byer Road Safety Improvements ("Project") in the Byron area of Eastern Contra Costa County. The Project is a public improvement of county highway that consists of road improvements to accommodate a southbound left turn pocket at the intersection of Byron Highway and Byer Road and 1000 feet of two-way-left-turn lane between the end of the left turn pocket and the Hoffman Lane intersection. The Project includes construction of a raised pedestrian refuge island within the crosswalk across Byron Highway at Byer Road, adding a third rectangular rapid flashing beacon to the crosswalk area, installing speed feedback signs at both ends of the Project limits, and related activities. In connection with the Project, the County must acquire certain property and property interests described herein.

The property to be acquired consists of three (3) parcels that are generally located along Byron Highway in the Byron area of east Contra Costa County. The properties are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

On December 15, 2020, 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 persons who received said notice are listed in Exhibit "A". The notice specified January 19, 2021, at 9:30 a.m., in the Board of Supervisors Chambers in the Administration Building, 1025 Escobar Street, Martinez, California 94553, 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 4, 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 December 6, 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, all as more particularly described in Appendix "A":

Parcels 4 and 6 described in Appendix "A" are to be acquired in fee title;

Parcel 5 described in Appendix "A" is to be acquired as temporary construction easements for a period of eighteen (18) months between July 1, 2021 and December 31, 2022.

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.

**ATTESTED: January 19, 2021**

Monica Nino, County Administrator and Clerk of the Board of Supervisors

**Contact: Jann Edmunds, 925.957.2454**

By: , Deputy

**cc:**