

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

Return To: Public Works 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 04/27/2021 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐

Resolution No. 2021/134

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 replace two existing bridges (Bridge No. 28C-143 and Bridge No. 28C-145) and related roadway approaches on Marsh Creek Road, a County highway, in the Brentwood and Clayton areas of unincorporated Contra Costa County (Project). The Project includes replacing the bridge structures and reconstructing 600 to 1000 feet of road right of way on each side of each new bridge structure to reconnect the realigned bridge to the existing roadway. Project-related work will include drainage, creek work, and the relocation of a Contra Costa Water District owned waterline. In connection therewith, the County must acquire interests in certain real property.

WHEREAS, The property to be acquired consists of thirty (30) parcels that are generally located in the Brentwood and Clayton areas of unincorporated Contra Costa County. The property is more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

WHEREAS, On March 29, 2021, notice of the County's intention to adopt a resolution of necessity for acquisition by eminent domain of the real properties 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 April 27, 2021, at 9:30 a.m., in the Board of Supervisors Chambers in the Administration Building, 1025 Escobar Street, Martinez, California, as the date, time, and place for the hearing thereon.

WHEREAS, 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 properties by Contra Costa County for the purposes identified herein is for a more necessary public use than the use to which the property have 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.

On November 26, 2019, Caltrans approved a National Environmental Policy Act (NEPA) Categorical Exclusion, pursuant to Chapter 3 of Title 23, United States Code, Section 326. Caltrans determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). On August 4, 2020, this Board APPROVED the proposed Project and ADOPTED the Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program pertaining to this Project pursuant to the California Environmental Quality Act (CEQA). A Notice of Determination was filed by the County's Clerk Recorders Office on August 14, 2020 and posted at the State Clearinghouse on September 2, all in compliance with CEQA. SCH No.: 2020040312/DCD-CP #15-41

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:

Parcels 1-4, 1-5, 1-6, 6-1, 9-3, 12-2, 12-3, 12-4, 17-1, and 18-1 are to be acquired as permanent Roadway Easements;

Parcels 2-9, 2-10, and 2-11 are to be acquired as permanent Slope and Drainage Easements;

Parcels 7-3 and 13-3 are to be acquired as permanent Slope Easements;

Parcels 3-4, 3-5, 3-6, 8-1, 8-2, 11-2, 11-3, 11-4, 14-1, 14-2, 14-3, 15-1, 17-2, 18-2, are to be acquired as Temporary Construction Easements (TCEs). Each of those TCEs will be exclusive for period of twenty-one (21) months, commencing August 15, 2021, and continuing through and terminating on May 14, 2023.

Parcel 5-1 is to be acquired as a Temporary Construction Easement (TCE), which will be exclusive commencing September 15, 2021, and continuing through and terminating on July 30, 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.

Contact: Angela Bell, 925. 957-2451

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: April 27, 2021

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

By: , Deputy

cc: