

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 02/28/2012 by the following vote:

AYES: ☒ **John Gioia**
☒ **Mary N. Piepho**
☒ **Karen Mitchoff**
☒ **Federal D. Glover**

NOES: ☐

ABSENT: ☒ **Gayle B. Uilkema**

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2012/72

In the Matter of:

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 760, Contra Costa County (County) and Contra Costa Transportation Authority (CCTA) in cooperation with the State of California, acting by and through its Department of Transportation (Caltrans), intend to widen and improve State Route 4 from west of Loveridge Road to State Route 160, a public improvement in the Antioch area and, in connection therewith, acquire interests in certain real property.

The properties to be acquired consist of five (5) parcels located in the Antioch area. The properties are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

Whereas:

On January 9, 2012, notice of the County's intention to adopt a resolution of necessity for acquisition by eminent domain of the real property described in Exhibit "A" was sent to persons whose names appear on the last equalized County Assessment Roll as owner(s) of said property. The notice specified February 28, 2012, at 10:00 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 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 June 27, 2006, this Board **APPROVED** the proposed Project and **ADOPTED** the Negative Declaration and Finding of No Significant Impact pertaining to this Project that was approved on August 2, 2005.

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 California:

Parcels 1 and 4 are to be acquired in fee title;

Parcel 2 is to be acquired as permanent tieback easement; and

Parcels 3 and 5 are to be acquired as temporary construction easements;

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: Michele Trecek, (925) 313-2010

ATTESTED: February 28, 2012

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



By: Carrie Del Bonta, Deputy

cc: Real Property Division, Sheila Minor

APPENDIX "A"



S.F. RUSSO AND LAVINA E. RUSSO (61209)

Land Description of three parcels of land situate in the City of Antioch, Contra Costa County, California, and being portions of Parcel A as created by that Parcel Map filed on February 26, 1981 in Book 93 of Parcel Maps, Page 8 Official Records of said County, same being a portion of that parcel of land described in a Quit Claim to S.F. Russo and Lavina E. Russo, recorded May 17, 1979 under document number 79-66539 Official Records of said County, and being more particularly described as follows:

PARCEL 1 (61209-1) FEE PARCEL

Commencing at a point on the north line of existing State Route 4 and being the northeast corner of a 1.022 acre parcel described in a deed to the State of California recorded April 25, 1966 in Book 5106, Page 334 Official Records of said County, same corner being the southeast corner of said Parcel A; Thence along the north line of the said 1.022 acre parcel, North 84° 14' 19" West - 58.64 feet for the Point of Beginning hereof; Thence continuing along said north line for following two (2) courses; (1) North 84° 14' 19" West - 0.94 feet to a northerly corner on said north line, and (2) North 79° 20' 50" West - 50.51 feet to the southwest corner of said Parcel A; Thence along the west line of Parcel A, North 01° 06' 21" East - 1.13 feet; Thence across Parcel A, South 78° 12' 04" East - 51.64 feet to the Point of Beginning.

Containing 31 square feet of land area, more or less.



This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

PARCEL 2 (61202-2) PERMANENT TIEBACK EASEMENT

AN EASEMENT for tieback purposes and incidents thereto, upon, in, over and across the Russo parcel described as follows:

Beginning at a point on the north line of existing State Route 4 and being the northeast corner of a 1.022 acres parcel described in a deed to the State of California recorded April 25, 1966 in Book 5106, Page 334 Official Records of said County, same corner being the southeast corner of said Parcel A; Thence along the north line of the 1.022 acre State parcel, North $84^{\circ} 14' 19''$ West – 58.64 feet; Thence leaving said north line and across Parcel A, North $78^{\circ} 12' 04''$ West – 51.64 feet to a point on the west line of Parcel A; Thence along said west line, North $01^{\circ} 06' 21''$ East – 40.71 feet; Thence across Parcel A for the following two (2) courses; (1) South $78^{\circ} 12' 04''$ East – 57.08 feet, and (2) South $84^{\circ} 14' 19''$ East – 53.27 feet to a point on the east line of Parcel A; Thence along said east line, South $01^{\circ} 06' 21''$ West – 40.13 feet to the Point of Beginning.

Containing 4,413 square feet of land area, more or less.



PARCEL 3 (61209-3) TEMPORARY CONSTRUCTION EASEMENT EXPIRES DECEMBER 31, 2015

A TEMPORARY EASEMENT for a Forty-Two (42) month period between July 1, 2012 and December 31, 2015 for construction purposes and incidents thereto, upon, over, in, and across the Russo parcel described as follows:

Beginning at a point on the north line of existing State Route 4 and being the northeast corner of a 1.022 acres parcel described in a deed to the State of California recorded April 25, 1966 in Book 5106, Page 334 Official Records of said County, same corner being the southeast corner of said Parcel A; Thence along the north line of the 1.022 acre State parcel, North 84° 14' 19" West – 58.64 feet; Thence leaving said north line and across said Parcel A, North 78° 12' 04" West – 51.64 feet to a point on the west line of Parcel A; Thence along said west line, North 01° 06' 21" East – 2.04 feet; Thence leaving the west line of and crossing through Parcel A for the following two (2) courses; (1) South 78° 12' 04" East – 51.91 feet, and (2) South 84° 14' 19" East – 58.37 feet to a point on the east line of Parcel A; Thence along said east line, South 01° 06' 21" West – 2.01 feet to the Point of Beginning.

Containing 221 square feet of land area, more or less.

MICHAEL C. ROESBERY, INC. A CALIFORNIA CORPORATION (61234)

Land Description a parcel of land situate in the City of Antioch, Contra Costa County, California, and being a portion of Parcel "B" as shown on that certain Parcel Map filed on April 8, 1976 in Book 44 of Parcel Maps at Page 17 Official Records of said county, same Parcel "B" described in the Trustee's Deed Upon Sale to Michael C. Roesbery, Inc. a California



Corporation, recorded December 28, 2010 under Document 2010-0294650-00, Official Records of said County and being more particularly described as follows:

PARCEL 4 (61234-1) FEE PARCEL

Commencing at the southeast corner of said Parcel "B"; Thence along the east line of Parcel "B", North $20^{\circ} 10' 41''$ West – 83.93 feet for the Point of Beginning hereof; Thence over and across Parcel "B" for the following four (4) courses: (1) South $67^{\circ} 42' 42''$ West – 0.39 feet, (2) North $22^{\circ} 17' 18''$ West – 106.43 feet for the beginning of a curve to the left, (3) in a northwesterly direction 25.52 feet along the arc of said curve to the left, having a radius of 19.33 feet and through a central angle of $75^{\circ} 38' 11''$, and (4) North $35^{\circ} 11' 43''$ West – 0.75 feet to a point on the north curving line of said Parcel B, being a curve to the left from which point the center bears North $07^{\circ} 50' 19''$ West; Thence along the north and east lines of Parcel "B" for the following three (3) courses: (1) in a northeasterly direction 3.75 feet along the arc of said curve to the left, having a radius of 230.00 feet and through a central angle of $00^{\circ} 56' 04''$ to the point of reverse curvature with curve to the right, from which point the center bears South $08^{\circ} 46' 23''$ East, (2) in a southeasterly direction 27.43 feet along the arc of said curve to the right, having a radius of 20.00 feet and through a central angle of $78^{\circ} 35' 43''$ to a northeast corner of Parcel "B", and (3) South $20^{\circ} 10' 41''$ East – 104.88 feet to the Point of Beginning.

Containing 322 square feet of land area, more or less

PARCEL 5 (61234-2) TEMPORARY CONSTRUCTION EASEMENT EXPIRES DECEMBER 31, 2015

A TEMPORARY EASEMENT for a Forty-Two (42) month period between July 1, 2012 and December 31, 2015 for construction purposes and incidents thereto, upon, over, in, and across the above mentioned Roesbery parcel described as follows:

Commencing at the southeast corner of Parcel "B"; Thence along the east line of Parcel "B", North 20° 10' 41" West – 83.93 feet; Thence across Parcel "B", South 67° 42' 42" West – 0.39 feet for the Point of Beginning; Thence continuing across Parcel "B" for the following ten (10) courses: (1) South 67° 42' 42" West – 2.00 feet, (2) North 22° 17' 18" West – 35.55 feet, (3) South 67° 42' 42" West – 8.00 feet, (4) North 22° 17' 18" West – 40.55 feet, (5) South 67° 42' 42" East – 8.00 feet, North 22° 17' 18" West – 30.33 feet for the beginning of a curve to the left, (6) in a northwesterly direction 22.88 feet along the arc of said curve to the left, having a radius of 17.33 feet and through a central angle of 75° 38' 11", (7) North 07° 55' 29" West – 2.00 feet for the beginning of a curve to the right, from which the center bears South 07° 55' 29" East, (8) in a southeasterly direction 25.52 feet along the arc of said curve to the right, having a radius of 19.33 feet and through a central angle of 75° 38' 11", (9) South 22° 17' 18" East – 106.43 feet to the Point of Beginning.

Containing 586 square feet of land area, more or less

The **BASIS OF BEARINGS** for this project is the California Coordinate System of 1983, Zone III (Epoch 2000.86) as determined locally by GPS survey measurements and a least squares adjustment holding NGS control stations LAKE ALHAMBRA – PID JS4835, HPGN D CA 04

HK – PID AA3821, GPS CONTROL POINT 41 – PID DE8498, GPS CONTROL POINT 59 – PID DE8508, and GPS CONTROL POINT 60 – PID DE8505 fixed per geodetic values published by the State of California Record of Survey No. 3151 and recorded in 136 LSM 3 thru 6. The projects combined scale factor is 0.99993878. Multiply grid distances by 1.0000612 to obtain ground distances.

This land description has been prepared at TY Lin International, Inc., by me, or under my direction, pursuant to Chapter 15, Article 3, Section 8726(L) of the Professional Land Surveyors' Act, and in conformance with Division 2, Chapter 2, Article 1, Section 66428(a) (2) of the Subdivision Map Act of the State of California and shall not be utilized in any conveyance which may violate said Act(s) or Local Ordinances.



Scott Shortlidge

Professional Land Surveyor

California No. 6441



1-25-2012
Date