

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**

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

Adopted this Resolution on 09/22/2015 by the following vote:

**AYE:** ☒ 5 **John Gioia**  
**Candace Andersen**  
**Mary N. Piepho**  
**Karen Mitchoff**  
**Federal D. Glover**

**NO:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐



**Resolution No. 2015/342**

The Board of Supervisors of Contra Costa County, California, acting in its capacity as the governing body of the Contra Costa County Flood Control and Water Conservation District (District), by vote of four-fifths or more of its members, **RESOLVES** that:

Pursuant to Section 5 of the Contra Costa County Flood Control and Water Conservation District Act (West's Water Code Appendix, Section 6375 and Deering's Water Code, Uncodified Acts, Act 1656, Section 5), the District intends to construct the West Antioch Creek Channel Improvements Project (Project), a flood control channel project and public improvement, in the Antioch area, and, in connection therewith, acquire interests in certain real property.

The properties to be acquired consist of eight (8) parcels that are generally located in the Antioch area. The properties are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

On August 31, 2015, notices of the District's intention to adopt a resolution of necessity for acquisition by eminent domain of the real property interests described in Appendix "A" were sent to persons whose names appear on the last equalized County Assessment Roll as owners of said property interests. The notices specified September 22, 2015, at 9:00 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 properties described herein are 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 properties described in this resolution have heretofore been dedicated to a public use, the acquisition and use of such properties by the District for the purposes identified herein is for a more necessary public use than the use to which the properties 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. 6.

On March 10, 2015, this Board APPROVED the proposed Project and ADOPTED the Mitigated Negative Declaration pertaining to this Project that was published on September 25, 2015 SCH # 20140420078.

The County Counsel of Contra Costa County, on behalf of this District, is hereby **AUTHORIZED** and **EMPOWERED**:

To acquire in the District'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 California:

Parcel 8 is to be acquired in fee title;

Parcel 9, 15 and 16 are to be acquired as permanent access easements;

Parcels 22, 23 and 24 are to be acquired as temporary construction easements for the period between January 1, 2016 and October 31, 2017;

Parcel 10 is to be acquired as a temporary access easement for the period between January 1, 2016 and October 31, 2017.

To prepare and prosecute in the District'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 District to take immediate possession and use said real properties for said public uses and purposes.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of four-fifths or more of the Board of Supervisors of Contra Costa County, California, at a meeting of said Board on the date indicated.

Contact: Olivia D. Reynolds, (925) 313-2306

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: September 22, 2015**

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

By: June McHuen, Deputy

cc: Real Estate, Auditor-Controller, County Counsel (Certified copy)