

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 08/09/2016 by the following vote:

AYE: ☒ 4 John Gioia
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☒ 1 Candace Andersen

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2016/505

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 (County) intends to construct the Balfour Road Shoulder Widening Project (Project), in the Brentwood area of east Contra Costa County. The Project is a public improvement to Balfour Road, a county road, between Sellers Avenue in the City of Brentwood and Bixler Road in the Town of Discovery Bay, in eastern Contra Costa County. The Project will include widening this approximately three-mile-long segment of Balfour Road from its existing 18- to 20-foot pavement width, to a new pavement width of 36 feet. The Project will add a 12-foot-wide travel lane, a 6-foot wide paved shoulder/bike lane, and a 2-foot wide shoulder backing in each direction of travel on this segment of roadway. Left turn pockets will be added on the east and west segments of Balfour Road at its intersection with Byron Highway, and a left turn pocket will be added on the western segment of Balfour Road at its intersection with Bixler Road. A drainage system consisting of an open roadside ditch and underground pipe along the south side of the road will be installed to collect and convey roadside runoff. In connection with the Project, the County must acquire interests in certain real property. The property interests to be acquired consist of seven (7) separate parcels that are generally located in the Brentwood area. The property interests are more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

On July 14, 2016, 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 notice specified August 2, 2016, at 9:30 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. The location of the Project, and the location of Assessor's Parcel Number 011-010-009 within the Project, is not based on a consideration of the lower cost of acquiring land in an agricultural preserve. This finding is made pursuant to Government Code Section 51292(a).
7. With respect to the property identified as Assessor's Parcel Number 011-010-009, there is no other land either within or outside the subject agricultural preserve upon which it is reasonably feasible to locate that portion of the Project which will lie within the preserve. This finding is made pursuant to Government Code Section 51292(b).
8. With respect to the properties identified as Assessor's Parcel Number 011-010-009 and Assessor's Parcel Number 015-050-006, which are subject to land conservation contracts and are located within agricultural preserves, the County provided notice to the California Department of Conservation, Division of Land Resource Protection pursuant to Government Code Section 51291 regarding the County's intent to acquire a portion of Assessor's Parcel Number 011-010-009 (Parcels 1 and 2 in fee title, and Parcel 3 as a temporary construction easement) and a portion of Assessor's Parcel Number 015-050-006 (Parcel 9 as a temporary construction easement) for the proposed Project.
9. On, December 15, 2015, this Board APPROVED the Project and ADOPTED the California Environmental Quality Act Mitigated

Negative Declaration and Mitigation and Monitoring Reporting Program pertaining to this Project. The CEQA Notice of Determination was filed with the County Clerk on December 17, 2015.

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 interests 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, 2, 4, 5, 6, 7 and 8 are to be acquired in fee title; Parcels 3 and 9 are to be acquired as a temporary construction easements for a period of twelve (12) months between May 1, 2017 and April 30, 2018. 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.

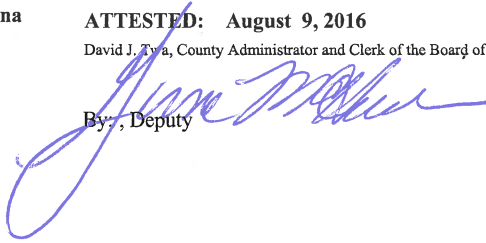
Contact: Olivia D. Reynolds (925) 313-2306, Carmen Pina
(925) 313-2012

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: August 9, 2016

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

By: Deputy



cc:

APPENDIX "A"

Land descriptions of three parcels of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of the Northwest one-quarter of Section 20, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of Parcel C as shown on the map of Subdivision MS No. 207-71 filed December 28, 1971 in Book 20 of Parcel Maps at page 16, Contra Costa County records, described as follows:

Parcel 1 - Fee Title (Lindsey Nunn Houd - parcel 7)

Beginning at the northwest corner of said Parcel C (20 PM 16), also being a point on the south right of way line of the 40 foot wide county road (Balfour Road), as approved August 9, 1887 in Road Book Vol. 1 at page 53, Contra Costa County records; thence along said south right of way line south $89^{\circ}14'32''$ east, 84.28 feet to a point on the westerly line of the property described in the deed to Knightsen Irrigation District (Currently ECCID) recorded August 2, 1922 in Book 417 of Deeds at page 347; thence along said westerly line south $0^{\circ}43'20''$ west, 5.00 feet; thence leaving said westerly line north $89^{\circ}14'32''$ west, 84.29 feet to a point on the westerly line of said Parcel C (20 PM 16); thence along said westerly line north $0^{\circ}52'43''$ east, 5.00 feet to the Point of Beginning.

Containing an area of 421 square feet of land, more or less.

Parcel 2 - Fee Title (Lindsey Nunn Houd - parcel 8)

Commencing at the northwest corner of said Parcel C (20 PM 16), also being a point on the south right of way line of the 40 foot wide county road (Balfour Road), as approved August 9, 1887 in Road Book Vol. 1 at page 53, Contra Costa County records; thence along said south right of way line south $89^{\circ}14'32''$ east, 144.28 feet to a point on the easterly line of the property described in the deed to Knightsen Irrigation District (Currently ECCID) recorded August 2, 1922 in Book 417 of Deeds at page 347, said point also being the Point of Beginning; thence from said Point of Beginning, continuing along said south right of way line south $89^{\circ}14'32''$ east, 1079.01 feet to the easterly line of said Parcel C (20 PM 16); thence leaving said south right of way line, along said easterly line of Parcel C (20 PM 16) south $0^{\circ}52'43''$ west, 30.00 feet; thence leaving said easterly line north $88^{\circ}49'42''$ west, 415.44 feet; thence north $89^{\circ}14'32''$ west, 120.00 feet; thence north $0^{\circ}45'28''$ east, 5.00 feet; thence north $89^{\circ}14'32''$ west, 543.50 feet to

the easterly line of said Knightsen Irrigation District property (417 Deeds 347); thence along said easterly line north 0°43'20" east, 22.00 feet to Point of Beginning.

Containing an area of 27,037 square feet of land, more or less.

Parcel 3 - Temporary Construction Easement (Lindsey Nunn Houd - parcel 25)

A temporary easement for a 12 month period between May 1, 2017 and April 30, 2018 for construction purposes and incidents thereto, upon, in, over and across a parcel of land described as follows:

Commencing at the northeast corner of said Parcel C (20 PM 16); thence along the easterly line of said Parcel C, south 0°52'43" west, 30.00 feet; thence leaving said easterly line, north 88°49'42" west, 265.44 feet to the Point of Beginning; thence from said Point of Beginning, south 1°10'18" west, 10.00 feet; thence north 88°49'42" west, 180.00 feet; thence north 1°10'18" east, 9.78 feet; thence south 89°14'32" east, 30.00 feet; thence south 88°49'42" east, 150.00 feet to the Point of Beginning.

Containing an area of 1,796 square feet of land, more or less.

Land description of a parcel of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of the Northwest one-quarter of Section 20, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of the property described in the deed to Rush, recorded October 29, 2013, Document Number 2013-258806, Contra Costa County records, described as follows:

Parcel 4 - Fee Title (Casey Rush - parcel 9)

Beginning at the northeasterly corner of Parcel B as shown on the map of Subdivision MS No. 207-71 filed December 28, 1971 in Book 20 of Parcel Maps at page 16, Contra Costa County records, being a point on the westerly line of said Rush property (2013-258806), thence along said westerly line north 0°52'43" east, 30.00 feet to a point on the south right of way line of the 40 foot wide county road (Balfour Road), as approved August 9, 1887 in Road Book Vol. 1 at page 53, Contra Costa County records; thence along said south right of way line south 89°14'32" east, 70.00 feet to the northeast corner of said Rush property (2013-258806), also being a point on the westerly terminus line of the of the 60.00 feet in width strip of land along Balfour Road dedicated to Contra Costa County for road purposes as shown on the map of Subdivision MS No. 108-78 filed February 27, 1980 in Book 84 of Parcel Maps at page 38, Contra Costa County records; thence leaving said south right of way line, along the westerly line of said road dedication (84 PM 38) south 0°52'43" west, 30.00 feet; thence leaving said westerly line north 89°14'32" west, 70.00 feet to the Point of Beginning.

Containing an area of 2,100 square feet of land, more or less.

Land description of a parcel of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of the Northeast one-quarter of Section 20, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of the property described in the deed to Coelho, recorded July 28, 1960 in Book 3670 of Official Records at page 62, Contra Costa County records, described as follows:

Parcel 5 - Fee Title (Mathew G. Coelho & Sons, Inc. - parcel 11)

Beginning at the northwest corner of said Coelho property (3670 OR 62), also being a point on the south right of way line of the 40 foot wide county road (Balfour Road), as approved August 9, 1887 in Road Book Vol. 1 at page 53, Contra Costa County records; thence along said south right of way south 89°11'59" east, 1664.32 feet to the northeast corner of said Coelho property (3670 OR 62), also being a point on the westerly line of the property as described in the deed to Knightsen Irrigation District (Currently ECCID) recorded February 18, 1924 in Book 470 of Deeds at page 30; thence along the easterly line of said Coelho property (3670 OR 62) south 0°58'24" west, 27.00 feet; thence leaving said easterly line north 89°11'59" west, 603.40 feet; thence south 89°02'16" west, 260.12 feet; thence north 89°11'59" west, 200.00 feet; thence north 87°33'48" west, 140.06 feet; thence north 88°19'06" west, 260.03 feet; thence north 89°11'59" west, 200.91 feet to the westerly line of said Coelho property (3670 OR 62); thence along said westerly line north 0°56'24" east, 27.00 feet to the Point of Beginning.

Containing an area of 48,937 square feet of land, more or less.

Land description of a parcel of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of the Northwest one-quarter of Section 21, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of the property described in the deed to Pedersen, recorded August 26, 2002, Document Number 2002-298574, Contra Costa County records, described as follows:

Parcel 6 - Fee Title (Michael & Donna Pedersen - parcel 16)

Beginning at the northeast corner of said Pedersen property (2002-298574), also being a point on the southerly line of the property as described in the deed to Knightsen Irrigation District recorded June 29, 1923 in Book 438 of Deeds at page 438; thence along said southerly line north 89°26'27" west, 467.46 feet; thence leaving said southerly line south 0°33'33" west, 5.00 feet; thence south 89°26'27" east, 467.42 feet to the east line of said Pedersen property (2002-298574); thence along said east line north 1°01'04" east, 5.00 feet to the Point of Beginning.

Containing an area of 2,337 square feet of land, more or less.

Land description of a parcel of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of the North one-half of Section 21, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of the property described in the deed to Nunn, recorded December 31, 2009, Document Number 2009-306058, Contra Costa County records, described as follows:

Parcel 7 - Fee Title (Ron Nunn Family Limited Partnership - parcel 17)

Beginning at the northwest corner of said Nunn property (2009-306058), also being a point on the south right of way line of the 40 foot wide county road (Balfour Road), as approved August 9, 1887 in Road Book Vol. 1 at page 53, Contra Costa County records; thence along said south right of way line south 89°26'27" east, 2952.47 feet to the northeast corner of said Nunn property (2009-306058), also being a point on the westerly right of way line of Byron Hwy; thence along said westerly right of way line south 1°09'19" west, 55.00 feet; thence leaving said westerly right of way line north 60°29'52" west, 22.72 feet; thence north 89°26'27" west, 652.43 feet; thence north 85°16'41" west, 179.09 feet; thence north 87°16'48" west, 159.12 feet; thence north 89°26'27" west, 299.56 feet; thence south 0°33'33" west, 5.00 feet; thence north 89°26'27" west, 1460.00 feet; thence south 0°33'33" west, 5.00 feet; thence north 89°26'27" west, 150.00 feet; thence south 0°33'33" west, 5.00 feet; thence north 89°26'27" west, 32.72 feet to the westerly line of said Nunn property (2009-306058); thence along said westerly line north 1°01'04" east, 40.00 feet to the Point of Beginning.

Containing an area of 98,705 square feet of land, more or less.

Land description of a parcel of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of the Northwest one-quarter of Section 22,

Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of Parcel A as shown on the map of Subdivision MS No. 208-72 filed January 23, 1973 in Book 26 of Parcel Maps at page 9, Contra Costa County records, described as follows:

Parcel 8 - Fee Title (Rene & Magdalena De Luna - parcel 19)

Beginning at the northeast corner of said Parcel A (26 PM 9), said corner also being a point on southerly right of way line of Balfour Road, as described in the deed to Contra Costa County, recorded March 9, 1973 in Book 6884 of Official Records at page 300, Contra Costa County records; thence along said southerly right of way line north 89°09'11" west, 431.61 feet to a point on a tangent curve, concave to the southeast; thence southwesterly along said curve, having a radius of 20.00 feet, through a central angle of 45°34'23", an arc length of 15.91 feet to a point of cusp, a radial to said point bears north 44°43'34" west; thence south 89°09'11" east, 445.86 feet to the easterly line of said Parcel A (26 PM 9); thence along said easterly line north 1°09'19" east, 6.00 feet to the Point of Beginning.

Containing an area of 2,649 square feet of land, more or less.

Including the relinquishment of any and all abutter's rights of access along the southerly line of Parcel 19 appurtenant to grantors' remaining property, excepting therefrom a 30 foot wide Private Access adjacent to the easterly line of Parcel A as shown on said Parcel Map.

Land description of a parcel of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of the Southeast one-quarter of Section 17, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of the property described in the deed to Houd, recorded September 18, 2015, Document Number 2015-194591, Contra Costa County records, described as follows:

Parcel 9 - Temporary Construction Easement (Laura A. Houd, TRE & Jeffrey W. Houd, TRE - parcel 27)

A temporary easement for a 12 month period between May 1, 2017 and April 30, 2018 for construction purposes and incidents thereto, upon, in, over and across a parcel of land described as follows:

Commencing at the southeast corner of said Houd property (2015-194591), also being a point on the west line of the property described in the deed to Knightsen Irrigation

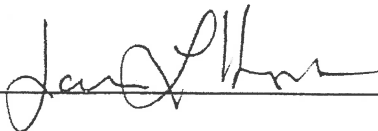
District recorded July 22, 1922 in Book 417 of Deeds at page 300, Contra Costa County records, and being a point on the north right of way line of the 40 foot wide county road (Balfour Road), as approved August 9, 1887 in Road Book Vol. 1 at page 53, Contra Costa County records; thence along said north right of way line north $89^{\circ}11'59''$ west, 583.57 feet to the Point of Beginning; thence from said Point of Beginning, continuing along said north right of way line north $89^{\circ}11'59''$ west, 320.00 feet; thence leaving said north right of way line north $0^{\circ}48'01''$ east, 5.00 feet; thence south $89^{\circ}11'59''$ east, 320.00 feet; thence south $0^{\circ}48'01''$ west, 5.00 feet to the Point of Beginning.

Containing an area of 1,600 square feet of land, more or less.

Bearings are based on the California Coordinate System of 1983 (CCS83), Zone III.
Distances given are ground distances.

This real property description has been prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____



Licensed Land Surveyor
Contra Costa County Public Works



Date: July 7, 2016