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Attorneys at Law

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Eminent Domain
Inverse Condemnation
Real Estate Law

April 16, 2020

Jessica Dillingham
Real Estate Division
255 Glacier Drive
Martinez, California 94553

Via email and U.S. Mail

**Re: Notice of Intent to Adopt Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain
Marsh Creek Bridge Replacement Project
Project No.: 0662-6R4119
APN: 159-140-055**

Dear Ms. Dillingham:

I represent James T. Robson and Celeste M. Robson. Contra Costa County seeks to use its power of eminent domain to acquire a portion of the property belonging to my clients according to a Notice of Intent to Adopt Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain dated March 17, 2020. This letter is in response to the meeting that has been *re-scheduled* for April 28, 2020. The following are our objections to the adoption of this Resolution of Necessity being considered at the upcoming hearing, the same objections in our previous March 27, 2020 letter.

The proposed taking fails to satisfy the statutory requirement of providing for the greatest public good with the least private injury. California Code of Civil Procedure section 1240.030 states that the power of eminent domain may only be used if the following conditions are satisfied:

1. The public interest and necessity require the project;
2. The project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury; and
3. The property sought to be acquired is necessary for the project.

Jessica Dillingham
April 16, 2020
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The project as planned does not satisfy these requirements. The project for which the property is being taken is not a necessary project. The project will cause irreparable damage to the subject property and the business operating on the property. The loss of access, grade change, etc. will cause substantial financial harm. The private damage to the property and business far outweigh the public good.

On behalf of my clients I object to the adoption of this resolution. Kindly make this letter a part of the administrative record. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott E. Jenny", with several overlapping loops and flourishes.

Scott E. Jenny

cc: Client

JENNY & JENNY, LLP

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Eminent Domain
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March 27, 2020

Jessica Dillingham
Real Estate Division
255 Glacier Drive
Martinez, California 94553

Via email and U.S. Mail

**Re: Notice of Intent to Adopt Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain
Marsh Creek Bridge Replacement Project
Project No.: 0662-6R4119
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The proposed taking fails to satisfy the statutory requirement of providing for the greatest public good with the least private injury. California Code of Civil Procedure section 1240.030 states that the power of eminent domain may only be used if the following conditions are satisfied:

1. The public interest and necessity require the project;
2. The project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury; and
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Jessica Dillingham
March 27, 2020
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The project as planned does not satisfy these requirements. The project for which the property is being taken is not a necessary project. The project will cause irreparable damage to the subject property and the business operating on the property. The loss of access, grade change, etc. will cause substantial financial harm. The private damage to the property and business far outweigh the public good.

On behalf of my clients I object to the adoption of this resolution. Kindly make this letter a part of the administrative record. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott E. Jenny", with a stylized, cursive flourish extending to the right.

Scott E. Jenny

cc: Client