

Recorded at the request of: Jewel Lopez, Public Works Real Estate Division  
Return To: Public Works Department 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 04/28/2020 by the following vote:

AYE: John Gioia, District I Supervisor Candace Andersen, District II Supervisor Diane Burgis, District III Supervisor Karen Mitchoff, District IV Supervisor Federal D. Glover, District V Supervisor

NO:

ABSENT:

ABSTAIN:

RECUSE:

Resolution No. 2020/106

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 the Marsh Drive Bridge and reconstruct approximately 900 feet of roadway (Project), a public improvement, in the Concord area, and, in connection therewith, acquire interests in certain real property.

WHEREAS, The property to be acquired consists of six (6) parcels and is generally located in the Concord area. The property is more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

WHEREAS, Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to all persons listed on the attached Exhibit "A" whose names and addresses appear on the last equalized county assessment roll as owners of said property. This notice consisted of sending by first-class and certified mail on April 10, 2020 a Notice of Intention to Adopt a Resolution of Necessity for acquisition by eminent domain of the real property described in Appendix "A". The notice specified that a hearing to consider the resolution of necessity is scheduled for April 28, 2020, at 9:30 a.m., in the Board of Supervisors Chambers at 651 Pine Street, Martinez, California. Those notices indicated that, at the above date, time and place, the owners may appear to be heard on the matters referred to in the notice.

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 therefore 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 November 19, 2020, this Board APPROVED the proposed Project and ADOPTED the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program pertaining to this project that was published on September 20, 2019, in compliance with the California Environmental Quality Act. SCH# 2019099070.

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:

Parcel 1 is to be acquired in fee title.

Parcel 2 is to be acquired as Wall Maintenance and Access Easement.

Parcels 3 and 4 are to be acquired as a Utility Easements.

Parcels 5 is to be acquired as a non-exclusive Temporary Construction Easement (TCE) for a twenty-four (24) month period between November 1, 2020, and October 30, 2022.

Parcel 6 is to be acquired as Temporary Construction Easements for a twenty-four (24) month period. The TCE will be non-exclusive between November 1, 2020, to April 30, 2021, and it will be exclusive between May 1, 2021 to October 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: Jewel Lopez, 925.957-2485

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 28, 2020

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

By:  June McHuen, Deputy

cc: