

T R A I N O R F A I R B R O O K
A T T O R N E Y S A T L A W

Daniel M. Steinberg
dsteinberg@trainorfairbrook.com

February 23, 2021

FEDEX

Contra Costa County Board of Supervisors
Contra Costa Administrative Building
651 Pine Street, Suite 106
Martinez, California 94553

Re: Donahue Schriber / Alamo Plaza Roundabout
Board of Supervisors Meeting - March 2, 2021

Dear Supervisors:

Donahue Schriber contends that there is no evidence to show that the Board can validly adopt a Resolution of Necessity because there is no evidence to show that the improvement plan proposed by the County for the Danville Boulevard – Orchard Court Street Improvement "is planned or located in the manner that will be most compatible with the public good and the least private injury." (Code of Civil Procedure § 1245.230(c)(2).) The County's proposed plan, a copy of which is attached as Exhibit A, takes 95% of the land necessary from Donahue Schriber; a revised plan proposed by Donahue Schriber, a copy of which is attached as Exhibit B, will provide all of the benefits claimed for the County's proposed plan while reducing the injury that Donahue Schriber almost alone will suffer. Further, as discussed more fully in the letter to Jann Edmunds, a copy of which is attached as Exhibit C, the County's proposed plan will result in substantially higher costs to the County which demonstrates that County's current plan is not the most compatible with the public good.

Accordingly, Donahue Schriber asks that the Board not adopt a Resolution of Necessity at this point but, instead, instruct the County's Public Works Department to reconsider its decision to go forward with the currently proposed plan.

Finally, Donahue Schriber wishes to be heard at the March 2, 2021 hearing and will be attending the hearing through ZOOM.

cc: BDS
CAO - M. Nino, L. Strobel, L. Driscoll
BGO

Contra Costa County Board of Supervisors
Re: Donahue Schriber / Alamo Plaza Roundabout
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Thank you for your ongoing consideration.

Very truly yours,

Trainor Fairbrook

/s/ Daniel M. Steinberg

Daniel M. Steinberg

DMS:mlr

Enclosures

cc Henry A. Avila (Havila@dsrg.com)
Taran Stokes (tstokes@dsrg.com)
Karen Laws (Karen.laws@pw.cccounty.us)
Jessica Dillingham (Jessica.Dillingham@pw.cccounty.us)
Jann Edmunds (jann.edmunds@pw.cccounty.us)

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CAUTION: IF THIS SHEET IS NOT 24"x36" IT IS A RE

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| PALE | DATE |
| DRAW | DATE |
| FOOT | DATE |

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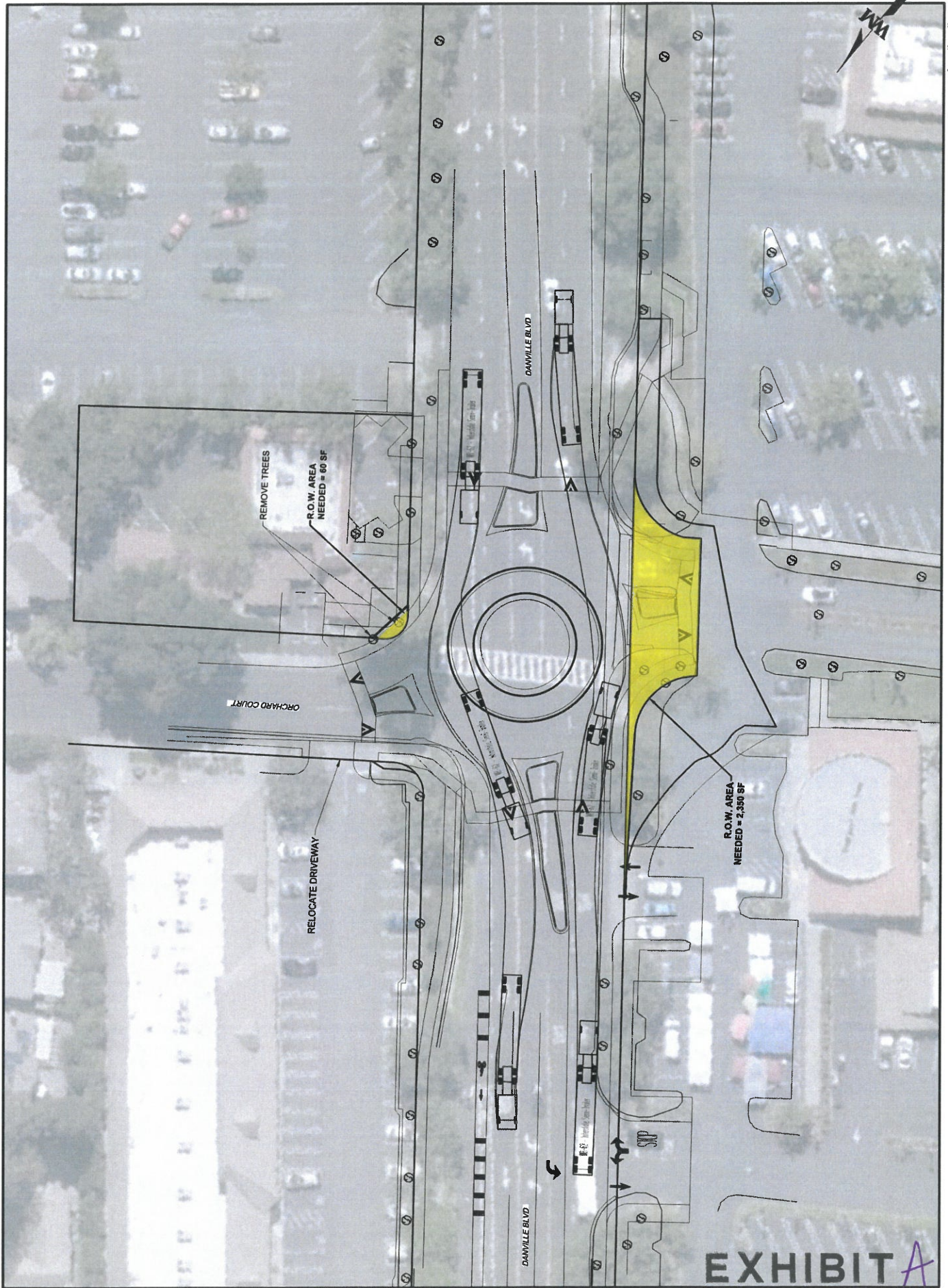


EXHIBIT A



T R A I N O R F A I R B R O O K
A T T O R N E Y S A T L A W

Daniel M. Steinberg
dsteinberg@trainorfairbrook.com

February 23, 2021

ELECTRONIC MAIL (jann.edmunds@pw.cccounty.us)

Jann Edmunds
Associate Real Property Agent
Contra Costa Public Works Department
Real Estate Division
40 Muir Road, Second Floor
Martinez, California 94553

Re: Donahue Schriber / Alamo Plaza Roundabout

Dear Ms. Edmunds:

Thank you for your recent correspondence wherein you requested a copy of Donahue Schriber's current appraisal. Unfortunately, the appraisal has not yet been completed. It is in process and as soon as received the information will be shared with you.

While my client appreciates your willingness to consider the appraisal before the meeting, there does appear to be a continuing dispute regarding not only the valuation of the property, but the location and design the County of Contra Costa has elected to proceed with. It appears the County has decided to ignore the design options provided by my client which promote the greatest public good and the least private injury. Rather, the County has elected to proceed with its design that is substantially more costly and inequitable to my client. Specifically, the County's design will cause Donahue Schriber substantially greater harm than the surrounding landowners. The currently designed Roundabout requires 95 percent of the taking to come from the Donahue Schriber property, while only 5 percent coming from the owners of the southeast section of the design. Equally inequitable is the valuation of the properties that are being taken. The land held by Donahue Schriber is subject to a ground lease, meaning each square foot taken from Donahue Schriber is a taking of income property, while the square footage taken from the properties on the southeast and northeast sections of the design would only be a reduction in the common area, non-income bearing property. In total it is expected that the monetary value of the property taken from Donahue Schriber will exceed \$1,000,000.00 with little or no taking from the eastern properties.

Jann Edmunds

Re: Donahue Schriber / Alamo Plaza Roundabout

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Likewise, if an alternative design is not utilized, the current County design will also devalue the remaining portion of Donahue Schriber's property. This additional devaluation will result in a claim for severance damages of approximately 825 square feet from Donahue Schriber while resulting in zero severance taking from the other properties.

Donahue Schriber has repeatedly met with the County to present design options and property valuations. However, due to design parameters the County refuses to disclose, Donahue Schriber's design options have been disregarded. We again request that a more equitable design be considered and implemented by the County that equitably disperse the taking, reduce the inequitable hardship to my client and minimize the financial burden on the County and reduces severance damages to Donahue Schriber (attached is copy of an alternative design for consideration.)

Finally, Donahue Schriber wishes to be heard at the March 2, 2021 hearing. Please provide time, ZOOM information and any other details relevant to making an appearance.

Thank you for your ongoing consideration.

Very truly yours,

Trainor Fairbrook

/s/ Daniel M. Steinberg

Daniel M. Steinberg

DMS:mlr

Enclosure

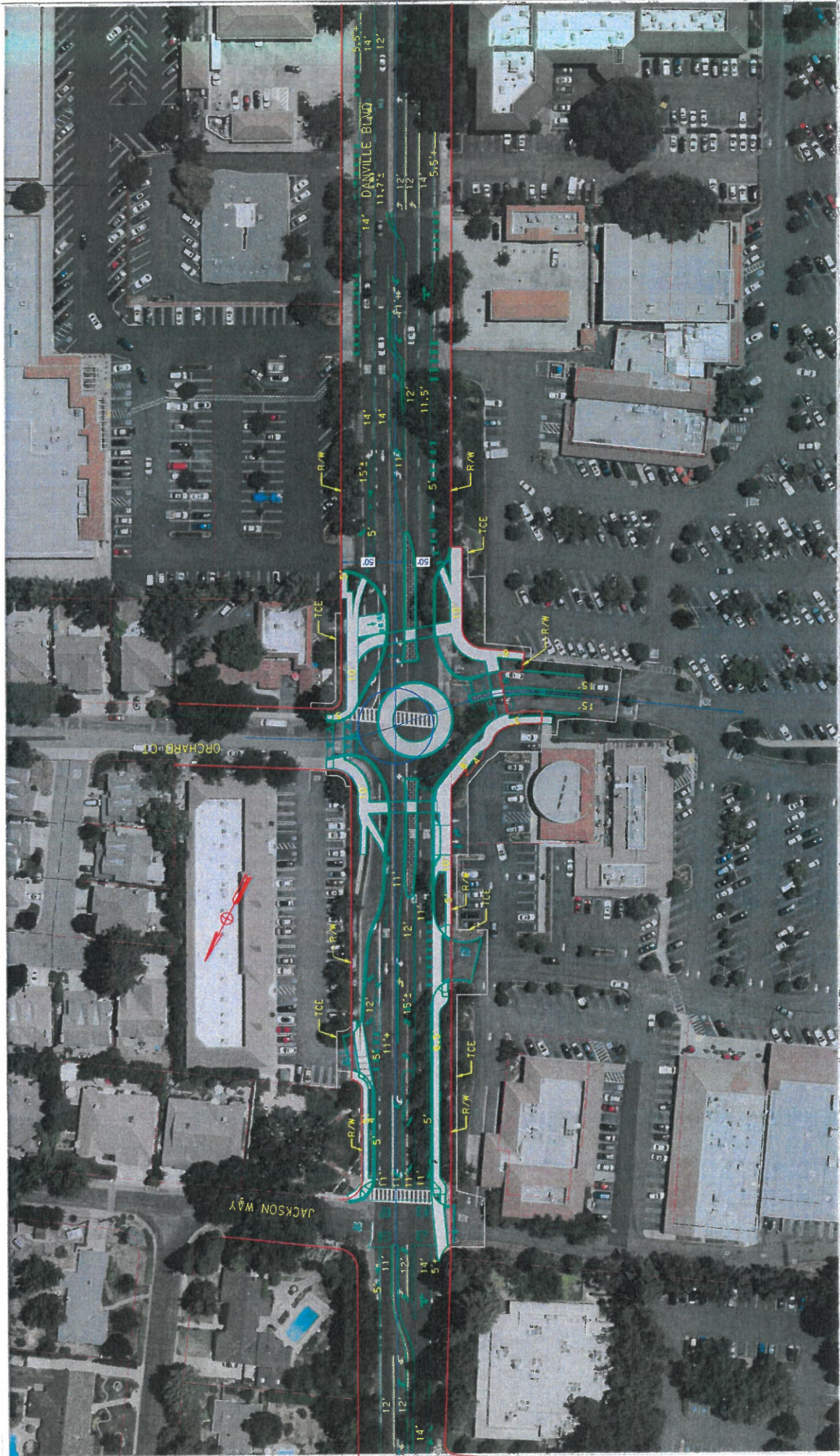
cc Henry A. Avila (Havila@dsrg.com)

Taran Stokes (tstokes@dsrg.com)

Karen Laws (Karen.laws@pw.cccounty.us)

Jessica Dillingham (Jessica.Dillingham@pw.cccounty.us)

4558.746.2287750.1



DANVILLE BLVD - ORCHARD CT STREET IMPROVEMENT

SCALE 1"=40'

09/28/2020



