

Recorded at the request of: Jann Edmunds, Public Works Real Estate Division
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THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 03/02/2021 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. 2021/67

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 and Highways Code Section 943, Contra Costa County intends to construct the Danville Boulevard/Orchard Court Complete Street Improvements ("Project"), in the Alamo area of central Contra Costa County. The Project is located at and near the intersection of Danville Boulevard and Orchard Court, in the unincorporated Alamo area. The Project will construct a roundabout at that intersection. The Project will include curb extensions, curb ramps, and entry medians at the roundabout to reduce vehicle speeds and improve pedestrian crossings. Sidewalks will be reconstructed through the corridor, along with curb extensions and curb ramps in order to meet Americans with Disabilities Act requirements and to accommodate existing mature trees in the sidewalk. The Project is intended to enhance the safety of the traveling public at this intersection, and to improve accessibility for persons with disabilities.

WHEREAS, The properties to be acquired consist of two (2) separate parcels that are generally located in the Alamo area. The properties are 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. This notice consisted of sending, by first-class and certified mail on January 27, 2021, a Notice of Intention to Adopt a Resolution of Necessity, which notified the owners that a hearing to consider the resolution of necessity is scheduled for March 2, 2021, at 9:30 a.m., in the Board's Chambers at 1025 Escobar Street, Martinez, California. The notices indicated that, at the above 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 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. On September 18, 2018, this Board APPROVED the proposed Project and ADOPTED the California Environmental Quality Act (CEQA), Class 1(c) Categorical Exemption, pursuant to Article 19, Section 15301 of the CEQA Guidelines pertaining to this project that was filed on September 19, 2018.

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 described in Appendix "A" is to be acquired in fee title; and

Parcel 2 described in Appendix "A" is to be acquired as a temporary construction easement for a period of sixteen (16) months, between September 1, 2021, and December 31, 2022, and a 1,064 square foot portion of Parcel 2 (referred to as "Sub parcel 3A") will be acquired for exclusive use for a period of seven (7) months, between April 1, 2022, and October 31, 2022; and

To prepare and prosecute in the County's name such proceed-ings in the proper court as are necessary for such acquisition.

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 prejudgment possession and use said real property for said public uses and purposes.

Contact: Jann Edmunds, 925. 957-2454

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: March 2, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By:  June McHuen, Deputy

cc:

APPENDIX "A"

Land Descriptions(s) of two parcels of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of Parcel A of Subdivision MS 223-78 filed October 26, 1979 in Book 82 of Parcel Maps at Page 14, also being a portion of the property described in the deed to DS Properties 17 LP, recorded March 10, 2017 as Document Number 2017-0043064, Contra Costa County records, described as follows:

1 – Fee Title (DS Properties 17 LP – parcel 1)

Commencing at the southwest corner of the property described as Parcel Two in the deed to Contra Costa County, recorded March 29, 1979 in Book 9373 of Official Records at page 222, being a point on the westerly right of way line of Danville Blvd.; thence along said right of way line south $26^{\circ}52'11''$ east, 226.08 feet to the Point of Beginning; thence from said Point of Beginning, continuing along said right of line south $26^{\circ}52'11''$ east, 143.55 feet to the northwest corner of the property described as Parcel One in said deed to Contra Costa County (9373 OR 222); thence continuing along said right of way line south $26^{\circ}52'11''$ east, 72.93 feet; thence leaving said right of way line south $62^{\circ}39'27''$ west, 9.90 feet; thence north $26^{\circ}48'13''$ west, 71.63 feet to a tangent curve, concave to the southwest; thence northwesterly along said curve, having a radius of 20.00 feet, through a central angle of $84^{\circ}19'05''$, an arc length of 29.43 feet; thence south $68^{\circ}52'42''$ west, 37.55 feet; thence north $19^{\circ}16'02''$ west, 16.93 feet to a non-tangent curve, concave to the northwest, a radial to said curve bears south $25^{\circ}20'59''$ east; thence northeasterly along said curve, having a radius of 140.00 feet, through a central angle of $8^{\circ}10'05''$, an arc length of 19.96 feet to a non-tangent line; thence north $37^{\circ}36'50''$ west, 38.36 feet to a non-tangent curve, concave to the northwest, a radial to said curve bears south $41^{\circ}16'03''$ east; thence southwesterly along said curve, having a radius of 39.31 feet, through a central angle of $6^{\circ}46'51''$, an arc length of 4.65 feet to a compound curve; thence southwesterly along said curve, having a radius of 157.19 feet, through a central angle of $9^{\circ}32'30''$, an arc length of 26.18 feet to a non-tangent line; thence north $24^{\circ}56'42''$ west, 10.67 feet to a non-tangent curve, concave to the northwest, a radial to said curve bears south $24^{\circ}52'14''$ east; thence northeasterly along said curve, having a radius of 146.52 feet, through a central angle of $9^{\circ}32'30''$, an arc length of 24.40 feet to a compound curve; thence northeasterly along said curve, having a radius of 28.64 feet, through a central angle of $26^{\circ}12'27''$, an arc length of 13.10 feet to a compound curve; thence northerly along said curve, having a radius of 17.68 feet, through a central angle of $37^{\circ}09'11''$, an arc length of 11.47 feet to a reverse curve; thence northerly along said curve, having a radius of 16.82 feet, through a central angle of $41^{\circ}39'46''$, an arc length of 12.23 feet to a non-tangent line; thence north $15^{\circ}27'09''$ west, 4.28 feet to a tangent curve, concave to the northeast; thence northerly along said curve, having a radius of 10.00 feet, through a central angle of $28^{\circ}00'11''$, an arc length of 4.89 feet; thence north

12°33'02" west, 19.45 feet; thence north 62°57'26" east, 0.64 feet; thence south 27°02'34" east, 6.55 feet; thence north 12°33'02" east, 21.29 feet to the Point of Beginning.

Containing an area of 6,308 square feet of land, more or less.

2 – Temporary Construction Easement (DS Properties 17 LP – parcel 3)

A temporary construction easement (TCE) for construction purposes and incidents thereto, upon, in, over and across the property described below for a period of sixteen months, to commence on September 1, 2021 and terminate on December 31, 2022. The 1064 square feet portion designated as subparcel 3A is for exclusive use for the seven consecutive months of April 1, 2022 thru October 31, 2022.

Beginning at the southwest corner of the property described as Parcel Two in the deed to Contra Costa County, recorded March 29, 1979 in Book 9373 of Official Records at page 222, being a point on the westerly right of way line of Danville Blvd.; thence along said right of way line south 26°52'11" east, 226.08 feet; thence leaving said right of way line south 12°33'02" west, 21.29 feet; thence north 27°02'34" west, 6.55 feet; thence south 62°57'26" west, 0.64 feet; thence south 12°33'02" east, 19.45 feet to a tangent curve, concave to the northeast; thence southerly along said curve, having a radius of 10.00 feet, through a central angle of 28°00'11" an arc length of 4.89 feet; thence south 15°27'09" east, 4.28 feet to a non-tangent curve, concave to the northeast, a radial to said curve bears north 56°11'04" west; thence southerly along said curve, having a radius of 16.82 feet, through a central angle of 41°39'46" an arc length of 12.23 feet to a reverse curve; thence southerly along said curve, having a radius of 17.68 feet, through a central angle of 37°09'11" an arc length of 11.47 feet to a compound curve; thence southerly along said curve, having a radius of 28.64 feet, through a central angle of 26°12'27" an arc length of 13.10 feet to a compound curve; thence southwesterly along said curve, having a radius of 146.52 feet, through a central angle of 9°32'30" an arc length of 24.40 feet to a non-tangent line; thence south 24°56'42" east, 10.67 feet to a non-tangent curve, concave to the northwest, a radial to said curve bears south 24°56'42" east; thence northeasterly along said curve, having a radius of 157.19 feet, through a central angle of 9°32'30" an arc length of 26.18 feet to a compound curve; thence northeasterly along said curve, having a radius of 39.31 feet, through a central angle of 6°46'51" an arc length of 4.65 feet to a non-tangent line; thence south 37°36'50" east, 38.36 feet to a non-tangent curve, concave to the northwest, a radial to said curve bears south 33°31'04" east; thence southwesterly along said curve, having a radius of 140.00 feet, through a central angle of 8°10'05" an arc length of 19.96 feet to a non-tangent line; thence south 19°16'02" east, 16.93 feet; thence north 68°52'42" east, 37.55 feet to a tangent curve, concave to the south; thence southwesterly along said curve, having a radius of 20.00 feet, through a central angle of 84°19'05" an arc length of 29.43 feet; thence south 26°48'13" east, 71.63 feet; thence south 61°37'26" west, 5.20 feet; thence north 26°36'59" west, 27.21 feet; thence south 60°00'06" west, 15.11 feet; thence north 26°46'30" west, 60.49 feet; thence south 68°52'42" west, 41.13 feet; thence north 26°46'30" west, 11.13 feet; thence south

Danville Blvd -Orchard Ct Appendix A

68°41'19" west, 82.15 feet; thence north 21°00'08" west, 49.08 feet; thence north 68°59'52" east, 23.95 feet to a tangent curve, concave to the northwest; thence northeasterly along said curve, having a radius of 124.50 feet, through a central angle of 13°06'57" an arc length of 28.50 feet to a non-tangent line; thence north 21°16'33" west, 13.75 feet to a non-tangent curve, concave to the northwest, a radial to said curve bears south 19°05'57" east; thence northeasterly along said curve, having a radius of 136.49 feet, through a central angle of 5°46'17" an arc length of 13.75 feet to a non-tangent line; thence north 26°01'59" west, 16.07 feet; thence north 63°56'22" east, 37.59 feet to a non-tangent curve, concave to the southeast, a radial to said curve bears north 79°22'58" west; thence northerly along said curve, having a radius of 26.82 feet, through a central angle of 25°27'09" an arc length of 11.91 feet to a compound curve; thence northerly along said curve, having a radius of 4.82 feet, through a central angle of 23°31'09" an arc length of 1.98 feet; thence north 12°33'02" east, 26.60 feet; thence north 26°52'11" west, 63.98 feet; thence north 63°10'22" east, 10.00 feet; thence north 26°52'11" west, 67.89 feet; thence south 63°13'30" west, 27.00 feet; thence north 26°52'11" west, 58.68 feet; thence north 63°13'30" east, 26.89 feet; thence north 26°42'05" west, 177.59 feet; thence south 78°33'26" west, 25.91 feet; thence north 26°42'05" west, 44.20 feet; thence north 63°37'21" east, 30.00 feet to a point on the westerly right of way line of Danville Blvd.; thence along said right of way line south 26°42'05" east, 190.39 feet to the Point of Beginning.

Containing an area of 13,575 square feet of land, more or less (inclusive of subparcel 3A).

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 Department

Date: _____




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EXHIBIT "A"

DS Properties 17 LP
C/o Nucleus Tax Group
100 High Street #58
Moorpark, CA 93020-7005

DS Properties 17 LP
Attn: Henry A. Avila
Senior Vice President
3501 Del Paso Road, Ste. 100
Sacramento, CA 95835

Trainor Fairbrook Attorney at Law
Daniel M. Steinberg
980 Fulton Ave.
Sacramento, CA 95825-4558

**DECLARATION OF MAILING OF NOTICE OF INTENTION
TO ADOPT RESOLUTION OF NECESSITY**

Daphne Wakefield hereby declares as follows:

That on January 27, 2021, I mailed two copies, one postage prepaid and one certified, of the attached Notice of Intention to Adopt Resolution of Necessity for Danville Boulevard-Orchard Court Complete Street Improvement Project to all persons owning property in said project whose property may be acquired and whose names and addresses appear on the last equalized assessment roll. The names and addresses of all the persons that attached notices were mailed to are as shown on the attached list designated as Exhibit "A".

I declare under penalty of perjury that the foregoing is true and correct.

Executed January 27, 2021, at Martinez, California.



Daphne Wakefield
Clerk Specialist
Real Estate Division

EXHIBIT "B"

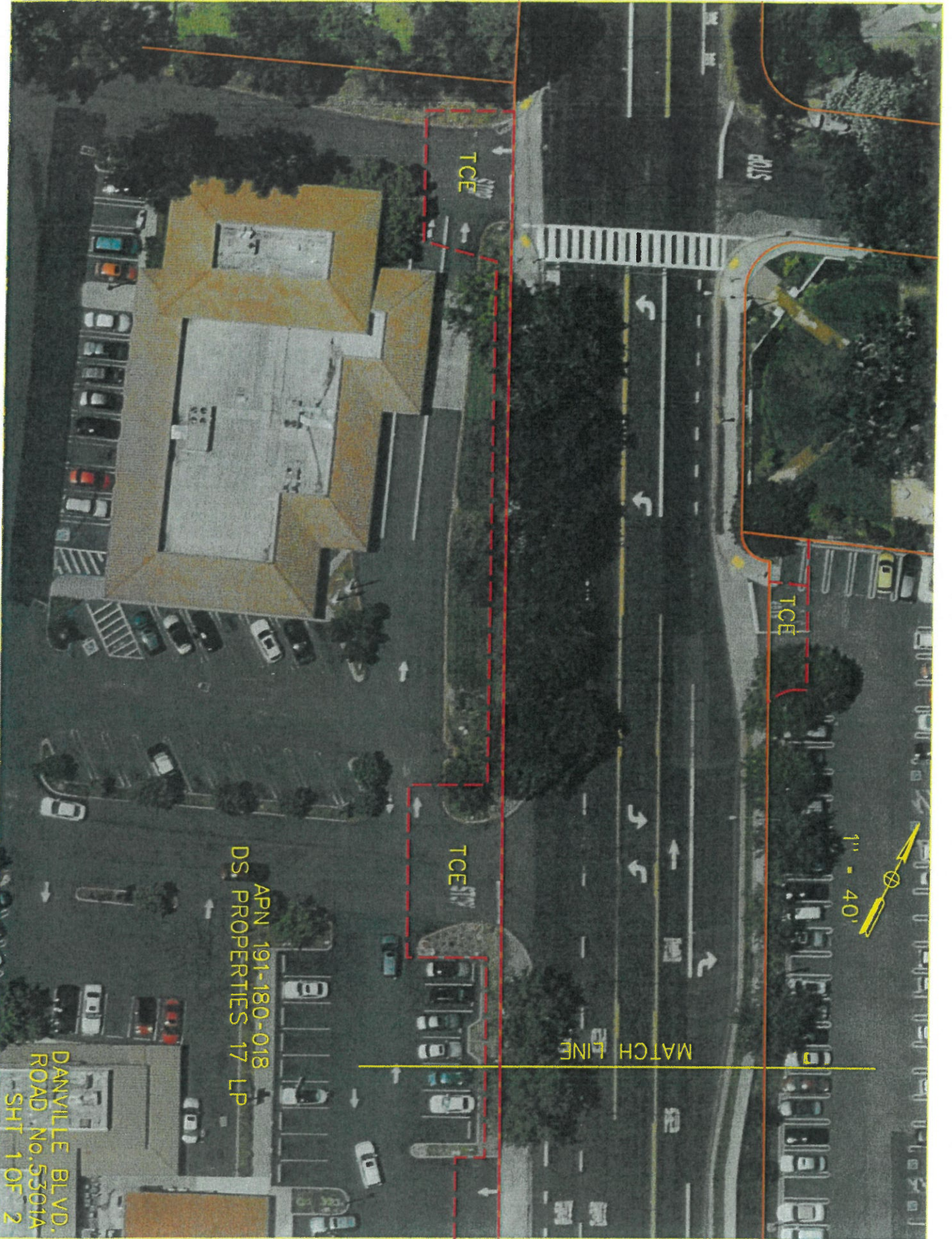


EXHIBIT "B"

