

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**  
**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 07/12/2022 by the following vote:

**John Gioia**  
**Candace Andersen**  
**Diane Burgis**  
**Karen Mitchoff**  
**Federal D. Glover**

**AYE:**  5

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**



**Resolution No. 2022/247**

IN THE MATTER OF: Resolution of Necessity for acquisition by eminent domain of real property required for the Danville Boulevard-Orchard Court Complete Streets Improvements Project, Alamo area. (Project No.: 0662-6R4128, Federal No.: HSIPL-5928(140))

The Board of Supervisors of Contra Costa County, California, by a 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 Streets Improvements Project ("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.

To construct the Project, the County needs to acquire temporary property interest to in one (1) parcel that is generally located in the Alamo area. The temporary property interest the County needs to acquire is more particularly described in Appendix "A", attached hereto and incorporated herein by this reference.

The County is authorized to acquire the temporary property interests described in Appendix "A" by eminent domain for the public use set forth herein in accordance with the California Constitution, Article 1, section 19; the California Eminent Domain Law, Code of Civil Procedure section 1230.010 *et seq.*, including, but not limited to, Sections 1240.010 through 1240.050 inclusive, and Sections 1240.110, 1240.120, 1240.150, 1240.220, 1240.350, 1240.410, 1240.510, 1240.610, 1240.650, and 1250, 660; Government Code section 25350.5; and Streets and Highway Code section 943.

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 June 23, 2022, 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 July 12, 2022, at 9:00 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.

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 County has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property described in Appendix "A", as well as any other matter regarding the right to take said property by eminent domain, including, but not limited to, making the offer required by Section 7267.2 of the Government Code 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.

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 3 described in Appendix "A" is to be acquired as a temporary construction easement for a period of eleven (11) months, commencing January 1, 2023, and ending November 30, 2023, and the 1,064 square foot portion of said parcel designated as Subparcel 3A is for exclusive use during the nine (9) consecutive months commencing February 1, 2023, and ending October 31, 2023. ""

To prepare and prosecute in the County's name such proceedings 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.

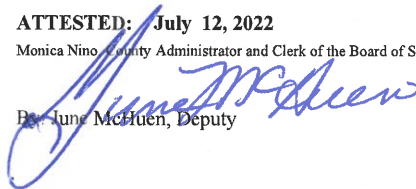
I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Jessica L. Dillingham,  
925.957-2453

ATTESTED: July 12, 2022

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

By: June McHuen, Deputy



cc: