



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: January 14, 2014

Subject: Resolution of Necessity Hearing for the I-80 San Pablo Dam Rd. Interchange Improvement Project - Phase 1, San Pablo area.

RECOMMENDATION(S):

OPEN the public hearing and ask if any notified property owners wish to be heard as to the four items specified in Section B below; CLOSE the Public Hearing.

Upon completion and closing of the hearing, MAKE the findings and determinations listed under Section B below and ADOPT Resolution of Necessity (No. 2014/12) to acquire the required properties by eminent domain. Project No.: 4660-6X4170

FISCAL IMPACT:

In eminent domain actions the judgment will be the price paid for the property, and may include court costs which are regarded as a roughly calculable expense of the property acquisition. Costs of acquisition in this case are 100% reimbursable from the Contra Costa Transportation Authority (CCTA). (100% CCTA Funds) SCH No. 2009082009

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/14/2014** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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: January 14, 2014

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

By: June McHuen, Deputy

Contact: David Kramer (925)
313-2227

cc:

BACKGROUND:

A. Proposed Project

CCTA in cooperation with the State of California, acting by and through its Department of Transportation (Caltrans), and the City of San Pablo (City), propose to reconstruct the Interstate 80 (I-80)/San Pablo Dam Road Interchange. Phase 1 of the Project consists of relocating the El Portal Drive access to westbound I-80 to the north, and replacing the Riverside Avenue Pedestrian Overcrossing. Phase I construction work will involve adding an auxiliary lane between the relocated El Portal Drive on-ramp and the San Pablo Dam Road off-ramp, constructing a frontage road between San Pablo Dam Road and McBryde Avenue, reconstructing the Riverside Avenue pedestrian/bicycle overcrossing to extend over Amador Street, and providing improved pedestrian and bicycle facilities within the I-80/San Pablo Dam Road Interchange. The proposed improvements will alleviate congestion, improve traffic safety along I-80, provide improved safe pedestrian access to Riverside Elementary School and improved pedestrian and bicycle facilities within the I-80/San Pablo Dam Road Interchange.

On June 25, 2013, this Board APPROVED the proposed project and ADOPTED the Mitigated Negative Declaration and Finding of No Significant Impact pertaining to this project.

Under an Agreement between Contra Costa County (County), Caltrans, CCTA and the City for the Exercise of the Power of Eminent Domain for the I-80/San Pablo Dam Road Interchange Improvement Project–Phase 1 (dated July 16, 2013), the Parties agreed and reaffirmed that the County is designated as the party to administer the portion of the Cooperative Agreement relating to the acquisition of real property, through eminent domain or otherwise, by and through its Board of Supervisors, County Officials and departments, and County attorneys.

This segment of the project is from the El Portal Drive on-ramp to McBryde Avenue, and will require the County to acquire various property interests from four (4) parcels within the project area in San Pablo. The property interests include acquiring fee title to two (2) parcels; one full take improved with a Single Family Home, in which the tenant has secured replacement housing and is expected to vacate the property by February, and one part take, improved with a Single Family Home and temporary construction easements in two (2) parcels; one improved with a gas station and one improved with a Single Family Home, along the El Portal Drive off-ramp to Riverside Avenue. The property interests to be acquired are more particularly described in Appendix A.

The County, through the Real Estate Division of the Public Works Department, has made offers of just compensation to the owners of the properties for the property interests required for this segment of the project. Each offer was based on an appraisal of the fair market value of said property rights.

Construction of the project is scheduled to begin in the fall of 2014. In order to proceed with the project, it is necessary for the County to exercise its power of eminent domain to acquire the property interests described herein.

Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to all the 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 November 27, 2013, a Notice of Intention, which notified the owners that a hearing is scheduled for January 14, 2014 at 9:30 a.m. in the Board's Chambers, at which time they may appear to be heard on the matters referred to in the notice.

B. Scope of Hearing and Findings Required by Code of Civil Procedure section 1245.235

1. The public interest and necessity require the proposed project.

The interchange ramps on I-80 near San Pablo Dam Road are in need of reconstruction to reduce traffic congestion and optimize traffic flows. By removing two isolated ramps – westbound El Portal Drive on-ramp and westbound McBryde Avenue off-ramp to the north and south of the I-80/San Pablo Dam Road interchange – significant improvements to I-80 mainline operations will occur. Further, increases in traffic volume will result in more traffic congestion not only in the freeway system, but also in the local streets located near the on-ramp and off-ramp. This will result in diminished pedestrian and bicycle safety if the pedestrian and bicycle overcrossing is not improved.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

Through the planning phase of the project, a number of interchange configurations and highway alignments were studied. The interchange configurations and highway alignment selected achieved the required operational traffic improvements, safe pedestrian overcrossing, and improved pedestrian and bicycle facilities with the least impact to adjacent properties. The alternative designs not selected would have resulted in greater impact to both residential and commercial properties. The interchange configurations and highway alignments that were considered, and the selected configuration and alignment, are more specifically discussed in the Final Initial Study/Environmental Assessment (IS/EA).

3. The properties sought to be acquired are necessary for the project.

The property interests sought for this phase of the project are necessary for the reconstruction of I-80 San Pablo Dam Road Interchange, relocation of an on-ramp and off-ramp, adding an auxiliary lane and reconstruction of an overcrossing to extend over Amador Street. All efforts have been made to reduce physical and operational impacts to adjacent properties both during and after construction. The project cannot be constructed

as planned without the acquisition of these property interests.

4. The offer of compensation required by Section 7267.2 of the Government Code has been made to owner or owners of record.

The County, through the Real Estate Division of the Public Works Department, has made an offer of just compensation to the owners of record for the rights required for this project. Each offer was based on an appraisal of the fair market value of the property rights being acquired. In this case, efforts were made to acquire each required property or property right through negotiated purchase and sale instead of condemnation. Attempts to negotiate a settlement involved discussions, and in some cases meetings, with the owners of record and/or their representatives. But, the negotiations were not successful, requiring the County to proceed with the adoption of this Resolution of Necessity.

CONSEQUENCE OF NEGATIVE ACTION:

The County will be unable to acquire the property interests necessary for the project.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

CLERK'S ADDENDUM

Speakers: Herstus-McGinley, property owner of 5303 Riverside in San Pablo, informed the Board that they did not consider the offer made for the property on which they built their retirement home was adequate. Supervisor Gioia briefly outlined the process for the couple, noting they had the right to seek legal counsel. Supervisor asked the members of the Contra Costa Transportation Authority in today's audience to convey the concerns noted today to their office.

ATTACHMENTS

Resolution No. 2014/12

Appendix "A"

Exhibit "A"