



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: February 2, 2016

Subject: West Antioch Creek Channel Improvements Project - Amended Right of Way Contract with Hall & Loads, Inc.

**RECOMMENDATION(S):**

The Board of Supervisors, as the Governing Board of the Contra Costa County Flood Control and Water Conservation District (District):

APPROVE the amended Right of Way Contract from Hall and Loads, Inc. (Grantor) for property rights located on a portion of Assessor's Parcel Numbers 074-020-025 and 074-020-036 in Antioch, pursuant to Section 31 of the Contra Costa County Flood Control and Water Conservation District Act. (Project No. 7579-6D8399 [SCH#: 2014042078])

AUTHORIZE the Chief Engineer, or designee, to execute the amended Right of Way Contract on behalf of the District.

APPROVE payment in the amount of \$70,000 for said property rights; and AUTHORIZE the Auditor-Controller to issue a check in said amount payable to Hall & Loads, Inc., 777 North First Street, 5th Floor, San Jose, CA 95112, to be forwarded to the Real Estate Division of the Public Works Department for delivery.

DIRECT the Real Estate Division of the Public Works Department to have the Grant of

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/02/2016** ☒ 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: February 2, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Angela Bell,  
925-313-2337

cc:

Easement, which was accepted by the Board of Supervisors on November 10, 2015, recorded in the Office of the County Clerk-Recorder and to deliver a conforming copy, along with the check, to the Grantor.

## RECOMMENDATION(S): (CONT'D)

### FISCAL IMPACT:

100% Drainage 55 funds.

### BACKGROUND:

On November 10, 2015, the Board of Supervisors, as the Governing Board of the District approved the Right of Way Contract and accepted the Grant of Easement dated October 8, 2015 from the Grantor for property rights located on a portion of APN 074-020-025 and 074-020-036 in Antioch in connection with the West Antioch Creek Channel Improvement Project.

The District also approved payment, in the amount of \$70,000 to Fidelity National Title Company (Title Company) for Escrow No. FCHC-T15001886. Since that time, the Title Company has informed the Real Estate Division of the Public Works Department that it cannot move forward with recording the permanent easements and disbursing the funds to the Grantor. The Title Company has returned the Grant of Easement and funds to the District. The Right of Way contract is being amended to reflect an internal escrow.

On March 10, 2015, the Board of Supervisors approved the proposed project and adopted the Mitigated Negative Declaration pertaining to the project, SCH #2014042078.

### CONSEQUENCE OF NEGATIVE ACTION:

The project will not have sufficient land rights to allow construction in accordance with the approved plans and specifications.

### ATTACHMENTS

Right of Way Contract