



Contra  
Costa  
County

To: Board of Supervisors

From:

Date: August 9, 2016

Subject: Resolution of Necessity Hearing for the Balfour Road Shoulder Widening Project Brentwood Area.

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**RECOMMENDATION(S):**

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

Upon completion and closing of the hearing, MAKE the findings and determinations listed under Section B below and ADOPT the attached Resolution of Necessity (No. 2016/467) to acquire the required property by eminent domain. Project No.: 0662-6R4002 [DCD-CP# 15-06]

**FISCAL IMPACT:**

100% Discovery Bay West Traffic Mitigation Funds.

**BACKGROUND:**

A. Proposed Project

Contra Costa County is undertaking its Balfour Road Shoulder Widening Project

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **08/09/2016** ☒ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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

ABSENT: Candace Andersen, District II  
Supervisor

Contact: Olivia D. Reynolds (925)  
313-2306, Carmen Pina (925) 313-2012

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: August 9, 2016

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

By: June McHuen, Deputy

cc:

(“Project”), to improve Balfour Road, a county road, between Sellers Avenue in the City of Brentwood and Bixler Road in the Town of Discovery Bay, in eastern Contra Costa County. This segment of Balfour Road is a narrow, approximately 3-mile long, two-lane road that has substantial traffic. This segment of roadway is used as a thoroughfare between Brentwood and Discovery Bay, and it is used as a commuter route to State Route 4.

## BACKGROUND: (CONT'D)

> The Project will improve this segment of Balfour Road by providing standard travel lanes and shoulder widths that meet current County design standards. This segment of roadway will be widened from the current 18-to-20-foot width, to a 36-foot width. This widening will provide a 12-foot-wide travel lane, a six-foot-wide shoulder, and a two-foot-wide shoulder backing in each direction of travel on this segment of Balfour Road. The widened shoulders will provide a driver recovery area and a bike lane in each direction of travel on this segment of roadway. In addition, left-turn pockets will be added on the east and west segments of Balfour Road at the intersection of Balfour Road and Byron Highway. A left-turn pocket will be added on the western segment of Balfour Road at the intersection of Balfour Road and Bixler Road.

On December 15, 2015, this Board APPROVED the Project and ADOPTED the California Environmental Quality Act Mitigated Negative Declaration and the Mitigated Monitoring and Reporting Plan pertaining to the Project. A CEQA Notice of Determination was filed with the County Clerk on December 17, 2015.

To complete the Project, the County must acquire various property interests from eleven (11) parcels within the Project area. The County must acquire fee title to ten (10) parcels (all partial acquisitions) and three (3) temporary construction easements.

This resolution establishes the necessity of acquiring some of the property interests required for the Project. Specifically, this resolution establishes the necessity of acquiring seven (7) fee parcels and two (2) temporary construction easements in seven (7) properties, as more particularly described in Appendix "A" to the Resolution of Necessity. These property interests are required for the Project, including pre-construction utility work scheduled to begin in January 2017.

The County, through the Real Estate Division of the Public Works Department, has made an offer of just compensation to the owner or owners of the property for the property interests being acquired. Each offer was based on an appraisal of the fair market value of said property interest or interests being acquired. Negotiations to acquire the property interests identified in Appendix "A" have not been successful.

With respect to the property identified as Assessor's Parcel Number 011-010-009 and the property identified as Assessor's Parcel Number 015-050-006, both of which are subject to land conservation contracts and are described in Appendix "A" to the Resolution of Necessity, pursuant to Government Code Section 51291, the County, through the Environmental Services Division of the Public Works Department, provided Notice of Public Acquisition of Williamson Act Lands to the California Department of Conservation, Division of Land Resource Protection.

Construction of the overall project is scheduled to begin in the spring of 2017. 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 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 July 14, 2016 a Notice of Intention which notified these owners that a hearing is scheduled for August 2, 2016 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 Per C.C.P. Section 1245.235

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

This segment of Balfour Road between Sellers Avenue and Bixler Road is a narrow, approximately 3-mile long, two-lane road that receives substantial traffic and is used as a thoroughfare between Brentwood and Discovery Bay as well as a commuter route to State Route 4. The project includes installing left turn pockets on the east and west legs of Balfour Road at Byron Highway and a left turn pocket on the west leg of Balfour Road at Bixler Road. A drainage system consisting of an open roadside ditch and underground pipe along the south side of Balfour Road will be installed to collect and convey roadside runoff. The Project is intended to improve this segment of roadway to meet current design standards. The project will improve traffic movement and the safety of persons who travel on this segment of roadway.

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.

The Project location and design are more particularly described in the CEQA Mitigated Negative Declaration that was adopted for this Project. The Project design plan will bring the shoulders up to current design standards and provide a driver recovery area and a bike lane. The project does not increase the number of travel lanes and will therefore not increase the capacity of the roadway. The majority of the roadway widening will occur along the south side of this segment of Balfour Road. The Project alignment was selected to avoid substantial impacts to East Contra Costa Irrigation District irrigation pipelines and related facilities located on the north side of this segment of Balfour Road.

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

The property interests sought for this Project are necessary for the widening of Balfour Road between Sellers Avenue and Bixler Road, as planned. 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 the 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 each owner of record for the rights required for this Project, in accordance with Government Code section 7267.2. Each offer was based on an appraisal of the fair market value of the property rights being acquired. In each 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 calls made to the property owners which were not successful, requiring the County to proceed with the adoption of this Resolution of Necessity.

C. Williamson Act Findings.

A portion of the property identified as Assessor's Parcel Number 011-010-009, located in Parcels 1, 2 and 3, and a portion of the property identified as Assessor's Parcel Number 015-050-006, located in Parcel 9, are located in agricultural preserves established pursuant to the Williamson Act (Act). The County seeks to obtain fee title to Parcels 1 and 2, and temporary construction easements to use Parcels 3 and 9. With respect to the Parcels of which the County seeks to obtain fee title, the Act requires the Board to make two findings.

1. Cost was not a factor in the County's consideration of acquiring a portion of the property identified as Assessor's Parcel Number 011-010-009. (Gov. Code § 51292(a).) The location of the property considered for acquisition is based solely on the goal of improving the road shoulders and providing a driver recovery area, so this segment of Balfour Road is consistent with current design standards.

2. There is no other land within or outside the subject agricultural preserve upon which it is reasonably feasible to locate the public improvement. (Gov. Code § 51292(b).) This segment of Balfour Road is narrow due to the absence of shoulders and is based on outdated design standards. This segment of Balfour Road requires upgrades to the shoulders to current design standards and to provide a safe driver recovery area. Given the existing location of Balfour Road, there is no other location for the Project, either within or outside of the subject agricultural preserve upon which it is reasonably feasible to locate this portion of the Project.

Pursuant to Government Code Section 51291, the County provided notice to the California Department of Conservation, Division of Land Resource Protection regarding its intent to acquire a portion of the properties identified as Assessor's Parcel Number 011-010-009 and Assessor's Parcel Number 015-050-006, which are located in agricultural preserves under the Williamson Act.

CONSEQUENCE OF NEGATIVE ACTION:

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

CLERK'S ADDENDUM

***CLOSED the public hearing; MADE the findings and determinations listed under Section B of the Board Order; and ADOPTED Resolution of Necessity No. 2016/467 to acquire the required property by eminent domain.***

ATTACHMENTS

Resolution No. 2016/467

Appendix A