



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: September 19, 2017

Subject: Public report of litigation settlement agreements that became final during the period of August 1, 2017, through August 31, 2017.

RECOMMENDATION(S):

RECEIVE public report of litigation settlement agreements that became final during the period of August 1, 2017, through August 31, 2017, as recommended by County Counsel.

FISCAL IMPACT:

Settlement amounts are listed below.

BACKGROUND:

Five agreements to settle pending litigation, as defined in Government Code section 54956.9, became final during the period of August 1, 2017, through August 31, 2017.

Contra Costa County v. Peter J. Dailey, et al., CCC Sup. Ct. Case No. C14-01154. This was an action to acquire certain property by eminent domain in the Clayton area for the Marsh Creek Road Safety Improvements Project. Under the terms of the stipulation, all necessary property interests were conveyed by the property owner to the County for \$65,000, plus statutory interest and costs. The Board of Supervisors authorized the settlement on November 15, 2016, in closed session, by a 3-0 vote, Supervisors Piepho and Glover absent. Judgment pursuant to the parties' stipulation was entered on August 29, 2017. (Cont.)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **09/19/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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: September 19, 2017

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

By: Stephanie Mello, Deputy

Contact: Thomas Geiger, 925
335-1800

BACKGROUND: (CONT'D)

The settlement amount in Dailey will be paid from county road funds.

Contra Costa County v. Harry H. Williamson, et al., CCC Sup. Ct. Case No. C14-01156. This was an action to acquire certain property by eminent domain in the Clayton area for the Marsh Creek Road Safety Improvements Project. Under the terms of the stipulation, all necessary property interests were conveyed by the property owner to the County for \$85,000, plus statutory interest and costs. The Board of Supervisors authorized the settlement on November 15, 2016, in closed session, by a 3-0 vote, Supervisors Piepho and Glover absent. Judgment pursuant to the parties' stipulation was entered on August 29, 2017. The settlement amount will be paid from county road funds.

Contra Costa County v. Richard D. Erickson, et al., CCC Sup. Ct. Case No. C16-00328. This was an action to acquire certain property by eminent domain in the Byron area for the Byron Highway and Camino Diablo Intersection Improvements Project. Under the terms of the stipulation, all necessary property interests were conveyed to the County for \$32,000, plus statutory interest and costs. The Board of Supervisors authorized the settlement on July 11, 2017, in closed session, by a 5-0 vote. Judgment pursuant to the parties' stipulation was entered on August 23, 2017. The settlement will be paid from a combination of Measure J return-to-source funds, East County Regional Area of Benefit funds, and County road funds.

Contra Costa County v. Raymond J. Perry, Jr., et al., CCC Sup. Ct. Case No. C16-00346. This was an action to acquire certain property by eminent domain in the Byron area for the Byron Highway and Camino Diablo Intersection Improvements Project. Under the terms of the stipulation, all necessary property interests were conveyed by the property owner to the County for \$42,570, plus statutory interest and costs. The Board of Supervisors authorized the settlement on July 11, 2017, in closed session, by a 5-0 vote. Judgment pursuant to the parties' stipulation was entered on August 24, 2017. The settlement will be paid from a combination of Measure J return-to-source funds, East County Regional Area of Benefit funds, and County road funds.

Contra Costa County v. Howard Silva, et al., CCC Sup. Ct. Case No. C16-00347. This was an action to acquire certain property by eminent domain in the Byron area for the Byron Highway and Camino Diablo Intersection Improvements Project. Under the terms of the stipulation, all necessary property interests were conveyed by the property owner to the County for \$56,430, plus statutory interest and costs. The Board of Supervisors authorized the settlement on July 11, 2017, in closed session, by a 5-0 vote. Judgment pursuant to the parties' stipulation was entered on August 24, 2017. The settlement will be paid from a combination of Measure J return-to-source funds, East County Regional Area of Benefit funds, and County road funds.

This report includes final settlements of litigation matters handled by the Office of the County Counsel. This report does not include litigation settlements that were reported by the

Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.

CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.