



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Interim Public Works Director/Chief Engineer
Date: October 24, 2017

Subject: Terminate Rental Agreement for 864 Diablo Road, Danville area

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Interim Chief Engineer, or designee, to terminate the Rental Agreement, effective March 17, 1998, for 864 Diablo Road in Danville, with Jeff Gary and Naomi Gary (Tenants). (Project No.:4500-6)

AUTHORIZE County Counsel to pursue legal action if Tenants remain in occupancy sixty (60) days after service of the Termination Notice (Notice) pursuant to Civil Code of Procedure Sections 1162-1164.

DIRECT the Auditor-Controller's office to return Tenant's security deposit in the amount of \$1,400 payable to Jeffrey Gary.

FISCAL IMPACT:

Contra Costa County Flood Control and Water Conservation District (District) Zone 3B will no longer receive monthly revenue in the amount of \$1,295.

BACKGROUND:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/24/2017** ☒ 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: October 24, 2017

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

By: Stephanie Mello, Deputy

Contact: Angela Bell, (925)
313-2337

In 1998, the District acquired a 3 bedroom, 2 bathroom single family residence located at 864 Diablo Road in Danville (Property)

BACKGROUND: (CONT'D)

as an advanced acquisition in connection with the Green Valley Creek Improvement project (Project).

On March 24, 1998, the District entered into a Rental Agreement (Agreement) with Jeffery and Naomi Gary for occupancy of the Property on a month-to-month tenancy. The Tenants previously lived at 1420 Livorna Avenue in Alamo, formerly owned by the District, and provided a security deposit of \$1,400, which was transferred to the new rental agreement at 864 Diablo Road.

In April 2015, Public Works Real Estate staff reviewed the Agreement and conducted a visual interior and exterior inspection of the Property. During the inspection, the District was informed that Naomi Gary no longer resides on the premises.

The District wishes to have the Property vacated in order for the structure to be demolished in preparation for the Project and to eliminate ongoing maintenance costs for a structure that will be demolished.

The District intends to issue the attached sixty (60) day Termination Notice on November 6, 2017.

If the Tenants fail to vacate the Property within sixty (60) days, the District may initiate legal proceedings in order to obtain possession of the Property. Legal proceedings must be approved by the Board of Supervisors.

CONSEQUENCE OF NEGATIVE ACTION:

Without approval from the Board of Supervisors, the District will not be able to initiate legal proceedings, if necessary.

ATTACHMENTS

Termination Notice