



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: March 20, 2018

Subject: ADOPT Resolution to vacate three Flood Control & Water Conservation District easements in connection to Marsh Creek flood control channel.

RECOMMENDATION(S):

ADOPT Resolution 2018/99 to vacate three Contra Costa County Flood Control and Water Conservation District (District) easements in connection to the Marsh Creek flood control channel to Griffith Lane, pursuant to Section 31 of the Flood Control Act, Brentwood area. (Project No. FCP 617-17-WL083A) (CP#17-46)

DETERMINE that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061 (b)(3) of the CEQA guidelines.

DIRECT the Director of the Department of Conservation and Development (DCD) to file a Notice of Exemption with the County Clerk; and

AUTHORIZE the Chief Engineer, or designee, to arrange for payment of the \$50 fee to the County Clerk for filing the Notice of Exemption, and a \$25 fee to the DCD for processing of the Notice of Exemption; and

DIRECT the Real Estate Division of the Public Works Department to record a certified copy of the Resolution in the office of the County Clerk-Recorder.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **03/20/2018** ☒ 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: March 20, 2018

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

By: Stacey M. Boyd, Deputy

Contact: Naila Thrower, 925.
313-2245

cc:

RECOMMENDATION(S): (CONT'D)

FISCAL IMPACT:

100% Applicant Fees.

BACKGROUND:

Between February and May of 1968, the District acquired easements for access to the Marsh Creek flood control channel to Griffith Lane identified on Flood Control Right-of-Way Drawing ED-467, and identified as easements 78, 84 and 85, as described, and shown on Exhibits “A-1” and “B-1” and Exhibits “A-2” and “B-2” attached to the Resolution. The three easements are located between Assessor’s Parcel Nos. (APNs): 017-680-077 and 017-131-019.

The City of Brentwood found that the applicant, Pulte Homes, had constructed a six-foot-tall wall inside of Easements 78, 84 and 85 which are owned by the District. The applicant then requested the District vacate the areas. District staff reviewed the request and determined that the easements are no longer needed, and intends to vacate any and all rights, title, interest, obligation and responsibility of the easements.

CONSEQUENCE OF NEGATIVE ACTION:

The District may be responsible for the maintenance of areas that are no longer required for the purposes for which it was intended.

ATTACHMENTS

Resolution No. 2018/99

Exhibits A1, B1, A2, B2, CEQA Exemption