



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: July 24, 2018

Subject: APPROVE and AUTHORIZE a Right of Way Contract-Temporary Easement for the Kirker Pass Rd Northbound Truck Climbing Lane Project, District IV & V.

**RECOMMENDATION(S):**

APPROVE the Right of Way Contract – Temporary Easement dated July 11, 2018 from Edward M. Tilbury, Trustee of the Trust C, Terminable Interest Trust of 1990 E.M. Tilbury Family Trust dated August 30, 1990, to Contra Costa County (County) for property rights located on and covering a portion of Assessor's Parcel Number 118-050-008 in the City of Concord, pursuant to Government Code Section 25350.60. (Project No. 0662-6R4052, Federal I.D. STPL-5928(123). [DCD-CP# 15-04])

AUTHORIZE the Public Works Director, or designee, to execute the Right of Way Contract – Temporary Easement on behalf of the County.

APPROVE payment in the amount of \$4,500 for property rights; and AUTHORIZE the Auditor-Controller to issue a check in said amount payable to Edward M. Tilbury, Trustee of the Trust C, Terminable Interest Trust of 1990 E.M. Tilbury Family Trust dated August 30, 1990, 1408 Corte Canalette, Bakersfield, CA 93309, to be forwarded to the Real Estate Division for delivery.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **07/24/2018** ☒ 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: July 24, 2018

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

Contact: Olivia Reynolds-Freeman  
925. 957-2462

By: Stacey M. Boyd, Deputy

cc:

**FISCAL IMPACT:**

18.8% Federal Funds, 9.4% State Funds and 71.8% Local Funds.

**BACKGROUND:**

On October 18, 2016, this Board approved the proposed project and adopted the Mitigated Negative Declaration and Monitoring Reporting Program pertaining to the Project DCD – CP #15-04. These property rights are required for the Kirker Pass Road Northbound Truck Climbing Lane Project (Federal I.D.: STPL-5928(123)).

As a condition of the County's temporary use, Edward M. Tilbury, Trustee of the Trust C, Terminable Interest Trust of 1990 E.M. Tilbury Family Trust dated August 30, 1990, has required the County to indemnify them for claims arising out of the County's use of the property for construction of the project.

**CONSEQUENCE OF NEGATIVE ACTION:**

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

**ATTACHMENTS**

ROW Temporary Construction Easement

Exhibit A & B parcel 3 & 4