



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: December 18, 2018

Subject: EXECUTE Grant of Abutter's Rights of Access to convey the Abutter's Rights of Access to BART, Pleasant Hill area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chair, Board of Supervisors, to execute on behalf of the County the Grant of Abutter's Rights of Access, to convey the abutters rights described therein to the San Francisco Bay Area Rapid Transit District (BART), in exchange for BART's relinquishment of its abutter's rights described in the attached Relinquishment of Abutter's Rights of Access, all within portions of Assessor's Parcel No. 148-221-040 abutting Jones Road in Pleasant Hill, pursuant to Streets & Highways Code 960.

DETERMINE that the abutter's rights described in the attached Grant of Abutter's Rights of Access were acquired by Contra Costa County for county highway purposes and are no longer necessary for those purposes.

ACCEPT the Relinquishment of Abutter's Rights of Access from BART.

DIRECT the Real Estate Division of the Public Works Department to cause said Grant of Abutter's Rights of Access to be delivered to BART for its acceptance and recording in the Office of the County Clerk-Recorder and;

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/18/2018** ☒ 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: December 18, 2018

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

By: June McHuen, Deputy

Contact: Scarlett Torres (925)
957-2466

DIRECT the Real Estate Division of the Public Works Department to cause the Relinquishment of Abutter's Rights of Access, along with a

RECOMMENDATION(S): (CONT'D)

certified copy of this Board Order, to be recorded in the office of the County Clerk-Recorder. (Project No.: WL72RP)

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

BART is the underlying fee owner of Lot 1 identified as Assessor's Parcel Number 148-221-040 along Jones Road within Subdivision 8950. Avalon Partners has a long term lease with BART and is the developer of a 200-unit apartment complex on Lot 1. The project was originally approved as part of the Pleasant Hill BART Specific Plan. The Environmental Impact Report was adopted on October 6, 1998 by Contra Costa County – State Clearing House No. 96-062041. The original Abutter's Rights relinquishment was a requirement of Condition of Approval number 69 of Subdivision 8950.

The developer must relocate the 50' Abutter's Rights along Jones Road approximately 12 feet to the south to accommodate a revised driveway location. To accomplish this relocation, BART will relinquish the Abutter's Rights they now have along Jones Road in exchange for the County to grant an Abutter's Rights of Access at the revised location.

CONSEQUENCE OF NEGATIVE ACTION:

The Property Owner will not obtain the new rights necessary to legally access the existing roadway.

ATTACHMENTS

Grant of Abutter's Rights

Relinquishment of Abutter's Rights