



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: April 28, 2020

Subject: Resolution of Necessity Hearing for the Marsh Drive Bridge Replacement project, Concord area.

RECOMMENDATION(S):

OPEN the public hearing and ask if any notified property owners wish to be heard as to the four items specified in Section B below, CLOSE Public Hearing.

Upon completion and closing of the hearing, MAKE the findings and determinations listed under Section B below and ADOPT the attached Resolution of Necessity No. 2020/106 to acquire the required property by eminent domain. Project No.: 0662-6R4119, Federal Project No.: BRLS 5928 (128).

FISCAL IMPACT:

In eminent domain actions the judgment will be the price paid for the property, and may include court costs which are regarded as a roughly calculable expense of property acquisition. Costs of acquisition in this case are funded by Federal Highway Bridge Replacement Funds (88.53%) and Local Road Funds (11.47%). (SCH No. 2019099070)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/28/2020** ☒ 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: April 28, 2020

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

By: June McHuen, Deputy

Contact: Jewel Lopez, 925.
957-2485

cc:

BACKGROUND:

A. Proposed Project

Contra Costa County proposes to replace the Marsh Drive Bridge over the Walnut Creek Channel located in Concord. The bridge is located on Marsh Drive approximately 0.2 miles west of Solano Way. The bridge is jointly owned by Contra Costa County and City of Concord. The project is federally funded and administered by Caltrans through the Highway Bridge Program. The new replacement bridge is proposed to be a multi-span concrete structure and will be wider as well as slightly longer than the existing bridge. The Project will bring the bridge crossing of Walnut Creek and the roadway approaches up to current standard. The replacement bridge will meet current applicable Contra Costa County, American Association of State Highway and Transportation Officials (AASHTO), Federal Highway Administration (FHWA), and Caltrans design criteria and standards.

On November 19, 2020, this Board APPROVED the proposed project and ADOPTED the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program for this project in compliance with the California Environmental Quality Act.

In order to proceed with the project, it is necessary for the County to exercise its power of eminent domain. Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to all persons listed on the attached Exhibit "A" whose names and addresses appear on the last equalized County Assessment Roll. This notice consisted of sending by first-class and certified mail on April 10, 2020, a Notice of Intention to Adopt a Resolution of Necessity which notified the owners that a hearing is scheduled for April 28, 2020 at 9:30 a.m. in the Board's Chambers at 651 Pine Street, Martinez, California at which time they may appear to be heard on the matters referred to in the notice.

B. Scope of Hearing Per C.C.P. Section 1245.235

1. Public Interest and Necessity require the proposed project.

The existing Marsh Creek Road Bridge was originally built in 1938 as a 6-span concrete slab bridge approximately 209 feet in length. The bridge was lengthened in the 1960's to its current configuration of 10-spans, approximately 325 feet in length. The bridge is a narrow two lane structure, 34 feet wide, accommodating one travel lane in each direction with narrow shoulders and sidewalks. The bridge has been identified as seismically and structurally deficient due to seismic instability and significant deck cracking. Caltrans has determined the bridge has a sufficiency rating of 29.4 out of 100. A rating of less than 50 makes it eligible for federal bridge replacement funds. In addition to the seismic and structural deficiencies, the bridge has insufficient width and scour concerns. Additionally, the structure is a major flow impediment for Walnut Creek at the project site as it significantly obstructs the 100 year flow. At 80 years old, this structure has reached the end of its useful service life and requires replacement. The new structure will be approximately 20 feet wider to sufficiently accommodate pedestrian and bicycle traffic as

well as vehicle traffic. The replacement bridge will provide approximately 7 feet additional clearance to flows in Walnut Creek improving hydraulics under the bridge and reducing the amount of debris collected at the bridge during storm events compared to the existing bridge. The proposed bridge will be designed to correct all of the existing bridge deficiencies and handle the seismic loads at the project location.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

In order to ensure the Project was designed to be feasible, effective, and appropriate for the project site an alternative analysis was performed. During the project development process, multiple alignment alternatives were investigated for the bridge replacement. The alternatives ranged from reconstructing the replacement bridge on the existing alignment to realignments on each side of the existing bridge. The option that best balanced all of the design criteria including cost, impacts to surrounding facilities, private land and traffic, design speed and safety, was one that realigned the road and bridge slightly to the north. In its final configuration the new bridge will accommodate two lanes of vehicular traffic with shoulders, sidewalk on the north side, and a separated 10' wide pedestrian/bike trail on the south side. The Project will tie into the existing Iron Horse Trail on the southeastern side of the bridge and extend the Trail on the new bridge to the west, crossing over Walnut Creek. The Project will utilize staged construction and will maintain two lanes of vehicular traffic (one in each direction) as well as one pedestrian facility during each phase of construction. To accommodate the staged construction and in order to improve the roadway alignment at the bridge, there will be approximately 400 to 500 linear feet of roadway approach reconstruction work at each end of the bridge.

3. The property sought to be acquired is/are necessary for the project,

The property interests sought for this project are necessary for the replacement of the Marsh Drive Bridge, and reconstruction of approximately 900 feet of roadway. All efforts have been made to reduce physical and operational impacts to adjacent properties both during and after construction. The project cannot be constructed as planned without the acquisition of these property interests.

4. The offer of compensation required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The County, through the Real Estate Division of the Public Works Department, has made an offer of just compensation to the owner of record for the rights required for this project. The offer was based on an appraisal of the fair market value of the property rights being acquired. In this case, efforts were made to acquire each required property or property right through negotiated purchase and sale instead of condemnation. Attempts to negotiate a settlement involved discussions, and in some cases meetings, with the owners of record and/or their representative. But, the negotiations were not successful, requiring

the County to proceed with the adoption of this Resolution of Necessity.

CONSEQUENCE OF NEGATIVE ACTION:

The County will be unable to acquire the property rights necessary for the project.

CLERK'S ADDENDUM

Written correspondence was provided by Jenny & Jenny, LLP Attorneys at Law, representing James T. Robson and Celeste M. Robson (attached).

ATTACHMENTS

Resolution No. 2020/106

Appendix A

Exhibit A