



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: August 4, 2020

Subject: APPROVE a temporary construction easement and agreement with EBMUD for the Happy Valley Road Embankment Repair Project, Lafayette area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a Temporary Construction Easement and Agreement (Agreement) with East Bay Municipal Utility District (EBMUD), in connection with the Happy Valley Road Embankment Repair Project (Project) in Lafayette. County Project No. 0672-6U6215, Federal Project No.: ER-32L0 (550) (District II)

FISCAL IMPACT:

The Project is funded by 88.5% Federal Highway Administration (FHWA) Emergency Relief (ER) Fund and 11.5% Local Road Funds.

BACKGROUND:

The Contra Costa County Public Works Department (County) is required to obtain a Temporary Construction Easement and Agreement with EBMUD for the Project in order to construct

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/04/2020** ☒ 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: August 4, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925.313.2233

cc:

BACKGROUND: (CONT'D)

the Project improvements. The Project will repair a stretch of the northbound Happy Valley Road, approximately 0.2 miles southeast of the intersection of Happy Valley Road and Bear Creek Road, that washed out during 2017 storm events. The Project will reconstruct the northbound lane and restore two-way traffic to this portion of Happy Valley Road. The Project will require installing approximately a 65-foot long soldier pile retaining wall on the east side of the roadway within the limits of the existing road right of way to support the reconstructed roadway. A narrow temporary easement of 65 feet by 11 feet is needed from EBMUD directly adjacent to road right of way on the east side for access to construct the proposed improvements. An equipment and materials staging area of 107 feet by 140 feet will also be needed on EBMUD's parcel located on the west side of the road, across from the slide area, requiring a temporary construction easement.

Under the Agreement, the County must defend, indemnify, and hold harmless EBMUD and its Directors, Board Members, officers, agents, and employees from and against any and all loss, liability, expense, claims, suits, and damages, including attorneys' fees, arising out of or resulting from Grantee, its associates', employees', subcontractors', or other agents' negligent acts, errors or omissions, or willful misconduct, in the operation and/or performance under the Agreement.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not be able to implement the Project and construct the repair.

ATTACHMENTS

Agreement