



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 2, 2021

Subject: APPROVE and AUTHORIZE a Right of Entry with Gonsalves & Santucci, Inc. d/b/a Conco, Martinez area.

RECOMMENDATION(S):

As the governing body of the Contra Costa County Flood Control and Water Conservation District (District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute a Right of Entry agreement with Gonsalves & Santucci, Inc. (dba Conco), (Grantor) authorizing the District to use Grantor-owned property identified as Assessor's Parcel Numbers 159-250-006, -018, -019, -021, and -022, for access and construction purposes in connection with the construction and maintenance of the District's Lower Walnut Creek Restoration Project, Martinez area. Project No.: 7520-6B8285

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

In 2019, the County Board of Supervisors approved the Lower Walnut Creek Restoration Project (Project) for the purpose of restoring and enhancing wetlands and associated habitats in Lower Walnut Creek and providing sustainable flood management, while allowing opportunities for public access and recreation. The South Reach portion of the Project generally consists of transporting soil from the North Reach to the South Reach,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/02/2021** ☒ 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: February 2, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Angela Bell, 925.
957-2451

constructing levees and access roads, removing

BACKGROUND: (CONT'D)

existing levees, excavating tidal channels, and planting native vegetation. On November 19, 2019, the Board adopted a Mitigated Negative Declaration for the Project (State Clearinghouse No 2019099043).

Grantor owns property within the South Reach located between the Pacheco and Walnut Creeks and identified as Assessor's Parcel Numbers 159-250-006, -018, -019, -021, and -022 (Property). The Project requires the District to acquire five (5) temporary easements and one permanent access easement in the Property (Easements). The Public Works Real Estate Division is acquiring the Right of Entry in tandem with the required valuation and acquisition process for the Easements. The Right of Entry will convey necessary land rights to allow the District to advertise its Project while Real Estate and the Grantor continue to negotiate terms and compensation for the acquisition of the Easements.

As a condition of, and as partial consideration for, the rights granted under the Right of Entry, the Grantor is requiring the District to indemnify Grantor from liabilities that arise from the District's use of the Easement areas under the Right of Entry. The risk to the District can be mitigated by requiring the Project construction contractor to indemnify and defend the District from liabilities that arise during construction.

The Right of Entry has been approved as to form by County Counsel. Flood Control staff recommend that the Board approve execution of the Right of Entry so that Project construction can proceed as planned.

CONSEQUENCE OF NEGATIVE ACTION:

Without approval, the District will not have all of the necessary property rights in order to construct the Project.

ATTACHMENTS

Right of Entry