



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: August 10, 2021

Subject: Execute Right of Way Contract/Temporary Construction Easement and Accept Roadway Easement Deed related to Marsh Creek Road Bridges Replacement Project

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute the Right of Way Contract/Temporary Construction Easements (Contract) and ACCEPT the Roadway Easement Deed and Temporary Construction Easements for portions of APN 007-160-014 from Contra Costa Water District (District) in connection with the Marsh Creek Road Bridge Replacement (Bridges #28C-0143 & #28C-0145) Project (Project), pursuant to Streets & Highway Code Section 943. (Project No. 0662-6R4083, Federal Project No.: BRLS 5928(125) (SCH No.: 2020040312/DCD-CP #15-41)

AUTHORIZE the Public Works Director, or designee, to execute said Contract on behalf of Contra Costa County (County).

AUTHORIZE the Chair, Board of Supervisors, to execute the Roadway Easement Deed on behalf of the County.

APPROVE payment of \$4,000 for said property rights and AUTHORIZE the Auditor-Controller to issue a check in said amount payable to Contra Costa Water District, P.O. Box H2O, Concord CA 94524, to be forwarded to the Public Works Department Real

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **08/10/2021** ☒ 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: August 10, 2021

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

Contact: Olivia Reynolds-Freeman  
925. 957-2462

By: Stacey M. Boyd, Deputy

Estate Division (Real Estate Division) for delivery.

### RECOMMENDATION(S): (CONT'D)

DIRECT the Real Estate Division to have the above-referenced Roadway Easement Deed recorded in the County's Clerk Recorder's office.

### FISCAL IMPACT:

88.5% Federal Highway Bridge Program Funds and 11.5% Local Road Funds.

### BACKGROUND:

Contra Costa County intends to replace two existing bridges (Bridge No. 28C-0143 and Bridge No. 28C-0145) and related roadway approaches on Marsh Creek Road, a County highway, in the Brentwood and Clayton areas of unincorporated Contra Costa County. The Project includes replacing the bridge structures and reconstructing 600 to 1000 feet of roadway on each side of each new bridge structure to reconnect the realigned bridge to the existing roadway. In connection therewith, the County must acquire interests in certain real property, which consists of a two Roadway Easements one of which is 5,634 square feet and the other 1,954 square feet and two Temporary Construction Easements one of which is 9,842 square feet and the other 5,412 square feet in size.

On November 26, 2019, Caltrans approved a National Environmental Policy Act (NEPA) Categorical Exclusion, pursuant to Chapter 3 of Title 23, United States Code, Section 326. Caltrans determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). On August 4, 2020, this Board APPROVED the proposed Project and ADOPTED the Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program pertaining to this Project pursuant to the California Environmental Quality Act (CEQA). A Notice of Determination was filed by the County's Clerk Recorders Office on August 14, 2020 and posted at the State Clearinghouse on September 2, all in compliance with CEQA. SCH No.: 2020040312/DCD-CP #15-41.

As a condition of the Right of Way Contract/Temporary Construction Easement, the Grantor is requiring the County to indemnify Grantor from liabilities that arise from the County's use of the property.

### CONSEQUENCE OF NEGATIVE ACTION:

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

### ATTACHMENTS

Right of Way Contract

Roadway Easement Deed