



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: September 14, 2021

Subject: Vacate and abandon a flood control easement located on Front Street, along San Ramon Creek and take related actions under CEQA, Danville area.

RECOMMENDATION(S):

Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District ("District"), ADOPT Resolution No. 2021/277 ("Resolution") to vacate and abandon an approximately 739-square-foot flood control easement ("Easement") in portions of Assessor's Parcel Nos. 216-120-038 and 216-120-039 ("Property"), located on Front Street, along San Ramon Creek, as recommended by the Chief Engineer, Danville area, in accordance with Section 31 of the Contra Costa County Flood Control and Water Conservation District Act. (Project No. WL83PV – FS2000209) (CP#21-11)

DETERMINE that the Easement is no longer required for public use.

AUTHORIZE the Chair, Board of Supervisors, to execute a quitclaim deed, to quitclaim to Capital Equity Management Group, Inc. ("Owner"), the underlying fee owner, any remaining right, title, and interest in the Easement area.

DETERMINE that the transaction of the proposed vacation is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061 (b)(3) of the CEQA Guidelines, and

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/14/2021** ☒ 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: September 14, 2021

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

By: Stacey M. Boyd, Deputy

Contact: Jann Edmunds,
925.957.2454

cc:

RECOMMENDATION(S): (CONT'D)

DIRECT the Director of the Department of Conservation and Development to file a Notice of Exemption with the County Clerk, and

AUTHORIZE the Chief Engineer, or designee, to arrange for payment of a \$25 fee to the Department of Conservation and Development for processing and a \$50 fee to the County Clerk for filing the Notice of Exemption.

DIRECT the Real Estate Division of the Public Works Department to record a certified copy of the Resolution, the Quitclaim Deed, and this Board Order in the office of the County Clerk-Recorder, and to pay all fees imposed as a condition of recording.

FISCAL IMPACT:

100% Applicant Fees.

BACKGROUND:

In 1959, the District acquired permanent easements for flood control purposes in connection with San Ramon Creek within portions of Assessor's Parcel Numbers (APNs) 216-120-038 and 216-120-039. The property owner of the above referenced APNs has development plans for these parcels, which requires the vacation of the Easement area identified as Parcel 1 (FCPID 5126), described in Exhibit "A" and shown in Exhibit "B" attached to the Resolution.

The District has determined that Parcel 1 (FCPID 5126), is no longer needed for the purpose for which it was intended for; therefore, the District intends to vacate any and all rights, title, interest, obligation, and responsibility of the Easement area.

CONSEQUENCE OF NEGATIVE ACTION:

The District may be responsible for the maintenance of an area that is no longer required for the purposes for which it was intended.

ATTACHMENTS

Resolution No. 2021/277

Quitclaim Deed

Notice of Exemption

Exhibits A & B