



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: September 21, 2021

Subject: Execution of a Right of Entry Permit with State of CA, Dept. of Parks and Recreation related to the Marsh Creek Road Bridges Replacement Project.

RECOMMENDATION(S):

APPROVE a Right of Entry Permit (Permit) with the State of California, Department of Parks and Recreation (State), authorizing Contra Costa County (County) use of a portion of State-owned property, identified as Assessor's Parcel Number 007-380-011, which is necessary for fencing, access, roadway realignment and slope accommodation in connection with the County's Marsh Creek Road Bridges #28C-0143 & #28C-0145 Replacement Project, a County highway project, as recommended by the Public Works Director, Brentwood area. Project No.: 0662-6R4083, Federal No.: BRLS 5928(125).

AUTHORIZE Public Works Director, or designee, to execute said Permit on behalf of the County.

APPROVE payment of \$4,095.00 for Right of Entry Permit and AUTHORIZE the Auditor-Controller to issue a check in said amount payable to Department of Parks and Recreation, State Parks Diablo Range District, Attn: April Marson, 15751 Tesla Road, Livermore, CA 94550, to be forwarded to the Real Estate Division for delivery.

FISCAL IMPACT:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/21/2021** ☒ 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 21, 2021

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

By: Stacey M. Boyd, Deputy

Contact: Angela Bell, 925.
957-2451

cc:

88.5% Federal Highway Bridge Program Funds, 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 (Project). The Project includes replacing the bridge structures and reconstructing 600 to 1000 feet of road right of way on each side of each new bridge structure to reconnect the realigned bridge to the existing roadway. Project-related work will include drainage and creek work. In connection therewith, the County must acquire interests in certain real property, which consists of a Roadway Easement which is 45,036 square feet in size and a Temporary Construction Easement which 113,978 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 Records Office on August 14, 2020, and posted at the State Clearinghouse on September 2, 2020, all in compliance with CEQA. SCH No.: 2020040312/DCD-CP #15-41.

Under the Permit, the County will have an irrevocable right of possession of property rights in State-owned property that the County requires to construct the Project. The Permit also requires the State to grant the County permanent easements the County requires to maintain the Project. The County will pay the State \$4,095 for the Permit.

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

These property rights are required to obtain Project approval from Caltrans, which is a condition of Project funding. Real Estate staff recommend that the Board approve execution of the Permit so that the Project construction can proceed as planned.

CONSEQUENCE OF NEGATIVE ACTION:

Without Board approval, the project will not have sufficient land rights to allow construction in accordance with the approved plans and specifications.

ATTACHMENTS

Right of Entry Permit