



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: April 26, 2022

Subject: Approve the Fifth Amendment to the Marsh Creek Recreational Trail License Agreement, Brentwood area.

RECOMMENDATION(S):

Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District, APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute, on behalf of the Flood Control District, the Fifth Amendment to the Marsh Creek Recreational Trail License Agreement with East Bay Regional Park District, effective April 26, 2022, to reflect changes in the trail alignment and permitted uses and allow installation of interpretive signs, Brentwood area. (Project No.: 7562-WO8490).

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

On November 3, 1992, this Board of Supervisors, on behalf of the Contra Costa County Flood Control and Water Conservation District ("District"), approved a license agreement granting East Bay Regional Park District (EBRPD) a license in District-owned property for EBRPD's Marsh Creek Recreational Trail ("Trail"). The license agreement authorizes the construction and maintenance of the Trail for pedestrians, equestrians and bicycles along Marsh Creek, extending from its confluence with Dry Creek, to the Sacramento-San Joaquin

☒ APPROVE
 ☐ OTHER
☒ RECOMMENDATION OF CNTY ADMINISTRATOR
 ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/26/2022** ☒ 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: April 26, 2022

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

By: Stacey M. Boyd, Deputy

Contact: Jewel Lopez, 925.
957-2485

Delta. The license agreement has been amended four times to add new obligations and revise the trail alignment.

BACKGROUND: (CONT'D)

In 2021, the District began its Three Creeks Parkway Restoration Project (“Project”). As part of the Project, a portion of the Trail operated by EBRPD was removed from District-owned property. A parallel trail segment now exists on property owned by the City of Brentwood. The Fifth Amendment to the License Agreement will remove the portion of the Trail no longer located on District-owned property, include new trail segments, and authorize EBRPD to install interpretive signs. The remaining obligations under the License Agreement, as previously amended, remain unchanged.

District staff recommend approving the Fifth Amendment to the License Agreement to ensure the License Agreement accurately describes the Trail located on District property, and allows uses benefitting members of the public who will use the Trail.

CONSEQUENCE OF NEGATIVE ACTION:

EBRPD will not have the necessary rights over the new Trail segments and interpretive signs located on District property, and the License Agreement’s description of the Trail will be incorrect.

ATTACHMENTS

Amendment to License Agreement