



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: February 28, 2023

Subject: Exchange of Real Property between the County & Stephens & Stephens X, LLC, in connection w/the SR4 West Gap Project, Hercules area. (SCH No. 95043029)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a real property exchange agreement (Agreement) between the County and Stephens & Stephens X, LLC (Property Owner) to correct drainage easement boundaries in connection with the West Gap Project, Hercules area, pursuant to Streets and Highways Code Section 960.

DETERMINE that the interest in the property being quitclaimed back to the Property Owner is no longer necessary for County or other public purposes.

AUTHORIZE the Chair, Board of Supervisors, to execute a Quitclaim Deed (Agreement, Attachment 2) on behalf of the County, to quitclaim the County's interest in the area to the Property Owner.

AUTHORIZE the Public Works Director, or designee, to accept the Grant of Easement (Agreement, Attachment 1) on behalf of the County to acquire new easement rights necessary for the Project.

DIRECT the Real Estate Division of the Public Works Department to cause the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/28/2023** ☒ 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
Ken Carlson, 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 28, 2023

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

Contact: Jessica Dillingham,
925.957.2453

By: Stacey M. Boyd, Deputy

cc:

fully-executed Easement Deed and Quitclaim Deed to be recorded in the Official Records of Contra Costa County.

FISCAL IMPACT:

100% Contra Costa Transportation Authority Funds

BACKGROUND:

In 1998 the Contra Costa Transportation Authority (CCTA) and the County entered into Agreement No. 87 for the County to provide right of way services for the State Route 4 West Gap Project (hereinafter called "Project"). The terms of Agreement No. 87 included the County initially taking title for various property rights for the Project and to transfer those rights to the appropriate parties at a later date. Agreement No. 87 is on file at the Public Works Department.

In February 2000, the County purchased real property identified as a portion of APN 358-030-027, as more particularly described in the Final Order of Condemnation, recorded on February 28, 2000, Document No. 2000-0039129 (hereinafter called "FOC"), from Yellow Freight, an Indiana Corporation, for the Project in the unincorporated area of Contra Costa County. The County acquired the property interests described in the FOC for drainage purposes.

It has been determined that, during the construction phase of the Project, the drainage facilities were constructed outside the easement areas described in the FOC as Parcel 48 (56451-2 Drainage Easement) and Parcel 49 (56451-3 Drainage Easement). The Project cannot be transferred to Caltrans until this issue is resolved by acquiring new easement rights that correspond to the actual location of the drainage facilities.

In order to correct this condition, the County will convey to the Property Owner the drainage easement areas acquired by the FOC as described in the Quitclaim Deed, and the Property Owner will convey new drainage easements to the County, described in the Easement Deed. The easement areas described in the Quitclaim Deed are not needed for the Project or any other County purpose, and the easement areas described in the Easement Deed are needed for the Project to ensure the drainage facilities fall within an easement of record.

CCTA has directed County staff to convey and accept the Property at no cost to the Property Owner. The Property Owner will be reimbursed for certain expenses incurred in connection with this transaction.

CONSEQUENCE OF NEGATIVE ACTION:

The County and CCTA would not have the appropriate rights necessary for the Project and the Project could not be transferred to Caltrans unless appropriate rights are otherwise acquired.

ATTACHMENTS

Real Property Exchange Agreement