



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: January 24, 2012

Subject: State Route 4 (E) Widening - Somersville Road to Route 160 Project – Segment 3B, Antioch area. Project No.: 4660-6X4168

RECOMMENDATION(S):

OPEN the public hearing and ask if any notified property owners wish to be heard as to the four items specified in Section B below; CLOSE Public Hearing.

Upon completion and closing of the hearing, MAKE the findings and determinations listed under Section B below and ADOPT Resolution of Necessity No. 2012/30 to acquire the required properties by eminent domain.

FISCAL IMPACT:

In eminent domain actions the judgment will be the price paid for the property, and may include court costs which are regarded as a roughly calculable expense of property acquisition. Costs of acquisition in this case are 100% reimbursable from Contra Costa Transportation Authority (CCTA). There will be no impact to the County General Fund. SCH No. 2004092135.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **01/24/2012** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, 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: January 24, 2012

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Carmen Piña-Sandoval,
(925) 313-2012

By: June McHuen, Deputy

BACKGROUND:

A. Proposed Project

CCTA in cooperation with the State of California, acting by and through its Department of Transportation (Caltrans), propose to widen State Route 4 (SR4) East from its current four lanes to an eight-lane facility, reconstruct interchanges, perform work on affected local roadways, and relocate existing utilities from west of Loveridge Road to State Route 160, in the Antioch area. The improved corridor will connect to the existing eight-lane freeway system comprised of three mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction west of Loveridge Road while preserving sufficient width in the SR4 median to accommodate a possible future public transit improvement (by others). The proposed project will reduce existing traffic congestion, improve traffic operations, and encourage HOV use to accommodate travel demand anticipated through the year 2030.

On June 27, 2006, this Board APPROVED the proposed project and ADOPTED the Negative Declaration and Finding of No Significant Impact pertaining to this project.

Under an Agreement between Contra Costa County (County), Caltrans and CCTA for the Exercise of the Power of Eminent Domain for the SR4 (E) Widening – Somersville Road to R160 Project (dated January 18, 2008), the Parties agreed and reaffirmed that the County is designated as the party to administer the portion of the Cooperative Agreement relating to the acquisition of real property, through eminent domain or otherwise, by and through its Board of Supervisors, County Officials and departments, and County attorneys.

This segment of the project from west of Hillcrest Avenue to State Route 160 consists of acquiring various land rights from eight (8) parcels in the project area. The land rights include fee title, a permanent tieback easement, and temporary construction easements along the northerly side of SR4 east and Hillcrest Avenue and fee title along the southerly side of SR4 east off of Larkspur Drive and Clover Court, in the Antioch area.

The County, through the Real Property Division of the Public Works Department, has made offers of just compensation to the owners of the properties for the rights required for this Segment of the project. Each offer was based on an appraisal of the fair market value of said property rights.

Construction of the project is scheduled to begin in the fall of 2012. In order to proceed with the project, it is necessary for the County to exercise its power of eminent domain. Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to all the persons listed on the attached Exhibit “A” whose names and addresses appear on the last equalized County Assessment Roll.

This notice consisted of sending by first-class and certified mail on December 8, 2011, a Notice of Intention, which notified the owners that a hearing is scheduled for January 24,

2012 at 10:00 a.m. in the Board's Chambers, at which time they may appear to be heard on the matters referred to in the notice.

B. Scope of Hearing Per C.C.P. Section 1245.235

1. Public Interest and Necessity require the proposed project.

SR4 is the only east-west transportation corridor in this area that provides direct access from Pittsburg, Antioch, and Brentwood to the greater Bay Area to the west, and a link between Contra Costa County and San Joaquin County to the east. Traffic volume on the existing roadway is beyond system capacity, due to development in East County. This has resulted in severe congestion and increased travel times. Further increases in traffic volume will result in gridlock, not only in the freeway system, but also in the alternative local street network located near the congested freeway. The project will increase the use of HOV lanes while preserving sufficient width in the SR4 median to accommodate future mass public transit services to and from East County.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

Through the planning phase of the project, a number of interchange configurations and mainline highway alignments were studied. The interchange configurations and mainline highway alignment selected achieved the required operational traffic improvements with the least impact to adjacent properties. The alternative selected was designed to meet the operational traffic needs of the interchange at Hillcrest Avenue, and was designed in conformance with Caltrans and City of Antioch design standards. The alternative designs not selected would have resulted in greater impact to both residential and commercial properties and would have required more utility relocation.

3. The properties sought to be acquired are necessary for the project.

The properties sought for this Segment of the project are necessary for the widening of SR4, the performance of work on affected local roadways, and for the relocation of existing utilities. All efforts have been made to reduce physical and operational impacts to adjacent properties both during and after construction. The project cannot be constructed as planned without the acquisition of these property interests.

4. The offer of compensation required by Section 7267.2 of the Government Code has been made to owner or owners of record.

The County, through the Real Property Division of the Public Works Department, has made an offer of just compensation to the owners of record for the rights required for this project. The offer was based on appraisals of the fair market value of said property rights. In this case, efforts were made to acquire the required property through negotiated purchase and sale instead of condemnation. Attempts to negotiate a settlement involved

discussions, and in some cases meetings, with the owners of record and/or their representatives.

CONSEQUENCE OF NEGATIVE ACTION:

The County will be unable to acquire the property rights necessary for the project.

CHILDREN'S IMPACT STATEMENT:

Not applicable

CLERK'S ADDENDUM

CLOSED Public Hearing; and MADE the findings and determinations listed under Section B and ADOPTED Resolution of Necessity No. 2012/30 to acquire the required properties by eminent domain.

ATTACHMENTS

Resolution No. 2012/30

Resolution

Appendix A