



Joint Exercise of Powers Agency

City of Antioch City of Brentwood City of Oakley County of Contra Costa

Board of Directors

Thursday, October 12, 2006
7:00 p.m.

Tri-Delta Transit Meeting Room
801 Wilbur Avenue
Antioch, California

1. Call to Order
2. Closed Session

Conference with legal counsel - Existing Litigation (Gov. Code, §54956.9(a))

State Route 4 Bypass Authority v. Vierra, et.al
C.C.C. Superior Court No. C06-00024

3. Public Comment
4. Public Hearing

A. **CONDUCT** a public hearing to consider the adoption of Resolution No. 2006/07, a Resolution of Necessity for acquisition by eminent domain of certain interests in real property necessary for the construction of Segment 3 of the State Route 4 Bypass. The properties are located at the Marsh Creek Road/Byron Highway intersection. (See attached map).

5. Consent Items

A. **APPROVE** Minutes of September 13 and 21, 2006.

B. It is recommended that the Board take the following actions:

- i. **APPROVE** the Right of Way Contracts and **ACCEPT** the Grant Deeds and Grant of Easements listed below:

<u>Grantors</u>	<u>Document</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
Alice J. Bunn	59658 & 59659	9/14/06	Placer Title Company Escrow #615-8014 &8015 1981 N. Broadway #100 Walnut Creek, CA 94596	\$42,400.00

Board of Directors:
Mary N. Piepho, Chair
Donald P. Freitas, Vice Chair
Annette Beckstrand
Brad Nix

Authority Staff Office:
Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 686-0619

Francis Mello Debbie Mello	59661	9/19/06	Placer Title Company Escrow #615-7879 1981 N. Broadway #100 Walnut Creek, CA 94596	\$37,000.00
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Susan L. Pacini	59666	9/22/06	Placer Title Company Escrow #615-7876 1981 N. Broadway #100 Walnut Creek, CA 94596	\$19,600.00
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<u>Grantors</u>	<u>Document</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
Leonard P. Mello Virginia Mello Olive Borba Aguiar	59662	9/7/06	Placer Title Company Escrow #615-7880 1981 N. Broadway #100 Walnut Creek, CA 94596	\$20,800.00
Anthony L. Silva Carmen A. Silva George F. Silva Bertha A. Silva Olive Borba Silva Leonard P. Mello Virginia M. Mello Francis C. Mello Debbie A. Mello Galen R. Young Mary M. Young Gary Daniel Souza Suzanne M. S. Shishnia	59660	9/19/06 9/25/06	Placer Title Company Escrow #615-7878 1981 N. Broadway #100 Walnut Creek, CA 94596	\$2,600.00

- ii. **AUTHORIZE** the Secretary or designee to execute said Right of Way Contracts on behalf of the State Route 4 Bypass Authority (Authority).
 - iii. **APPROVE** payments as listed above for said property rights and **AUTHORIZE** the Auditor-Controller to issue checks in said amounts payable to listed payees, to be forwarded to the Real Property Division for delivery.
 - iv. **DIRECT** the Real Property Division of Contra Costa County to the above-referenced Grant Deeds and Grant of Easements delivered to Placer Title Company for recording in the office of the Contra Costa County Recorder.
- C. **APPROVE** Contract Change Orders (CCOs) 42 and 43S1 with Bay Cities Paving and Grading for an estimated cost increase of \$130,000.00 for Segment 1, Package 1, and **AUTHORIZE** the Secretary or his designee to sign the CCOs.
- D. **APPROVE** Contract Change Order (CCO) No. 59 with De Silva Gates Construction/FCI Constructors JV, for an estimated cost increase of \$25,000.00 for Segment 1, Package 2, and **AUTHORIZE** the Secretary or his designee to sign the CCO.

E. **APPROVE** Consulting Services Agreement amendments with the following consultants for on-call support services during the construction of Segment 3 as directed by Authority staff, and **AUTHORIZE** the Secretary or his designee to sign them on behalf of the Authority.

- Parsons Brinckerhoff (PB) – Management of ground squirrels in the amount of \$50,400.00, for a revised not-to-exceed contract amount of \$3,714,485.00, and extend the contract term to December 31, 2008.
- Parikh Consultants – On-call geotechnical and environmental site assessment services in the amount of \$76,944.14, for a revised not-to-exceed contract amount of \$636,418.24, and extend the contract term to June 30, 2008.
- Richard Loewke – Regulatory agency environmental permit compliance and construction monitoring in the amount of \$209,890.00, for a revised not-to-exceed contract amount of \$705,840, and extend the contract term to December 31 2007.
- Fehr and Peers – Technical support for signal and electrical issues in the amount of \$8,600, for a revised not-to-exceed contract amount of \$170,900, and extend the contract term to June 30, 2008.

F. **APPROVE** an amendment to the Consulting Services Agreement with Harris and Associates in the amount of \$35,720 (*mostly reimbursable by encroachment permit deposits*), for a revised not-to-exceed contract amount of \$2,907,574, to complete currently-assigned, Authority-issued encroachment permits through the end of the year, and **AUTHORIZE** the Secretary or his designee to sign the amendment.

6. Determination Items

- A. **RECEIVE** status report on State Route 4 Bypass program (*no staff report*).
- B. **RECEIVE** status report on construction activities in Segments 1 and 3 (*no staff report*).
- C. **AUTHORIZE** the Secretary or his Designee to negotiate a Contract Change Order with De Silva Gates Construction/FCI Constructors JV, the Segment 1, Package 2 contractor, to rehabilitate existing pavement on State Route 4 near the State Route 160 separation structure.

7. Board Member Comments

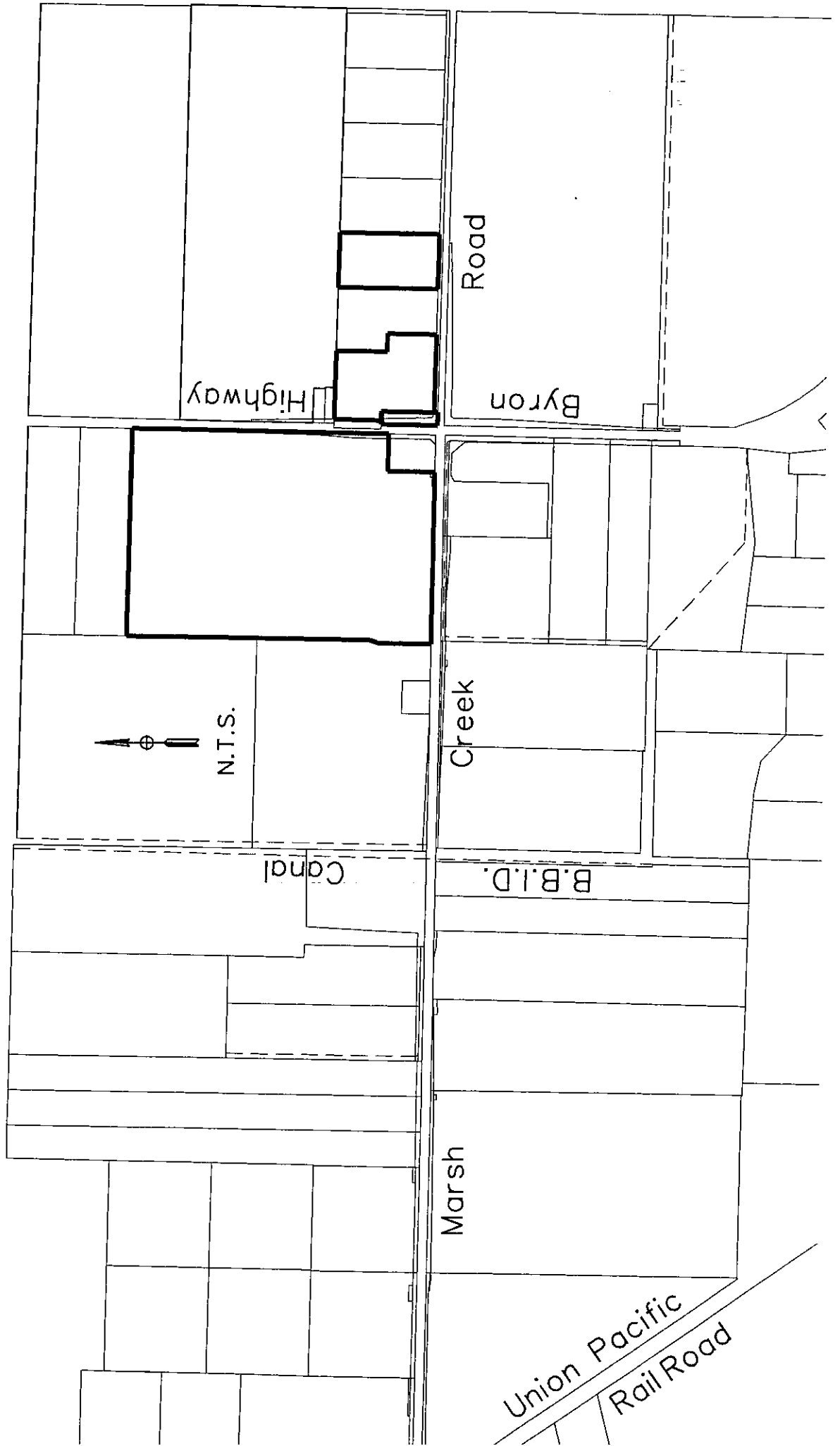
8. Correspondence

9. Adjournment

The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Program Manager at least 24 hours before the meeting, at (925) 686-0619.

SR4BYPASS SEGMENT III


Marsh Creek Road from east of U.P.R.R. to east of the Byron Hwy.



**STATE ROUTE 4
BYPASS AUTHORITY**

DATE: October 12, 2006

TO: Board of Directors

FROM: Dale Dennis, Program Manager 

SUBJECT: State Route 4 Bypass Project, Segment 3. Adoption of Resolution No. 2006/07, a Resolution of Necessity. Brentwood/Bryon Area. [SCH#89032824 and SCH#1989032824] Project No. 4660-6X4493

Recommendation:

- A. **OPEN** the public hearing and ask if any anyone wants to speak; **RECEIVE** testimony; **CLOSE** Public Hearing.
- B. Upon completion and closing of the hearing, **MAKE** the findings and determinations listed under Reasons for Recommendations and Background: B below, and **ADOPT** the attached Resolution of Necessity to acquire the required property by eminent domain.

Financial 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.

Discussion:

Reasons for Recommendations and Background:

A. Proposed Project – The State Route 4 Bypass involves construction of a 2 to 6-lane, combination freeway/expressway/conventional highway starting east of the Hillcrest Overcrossing on existing SR4 to Vasco Road, including an improved Marsh Creek Road, connecting back to existing SR4 (Byron Highway). The project is being constructed in three segments. Segment 1 is under construction, Segment 2 is complete and the Authority is in the process of acquiring right of way for Segment 3. Segment 3 will consist of constructing approximately four (4) miles of new two-lane expressway between Balfour Road and Vasco Road at Walnut Boulevard, widening 4.5 miles of Marsh Creek Road to meet conventional highway standards, and widening on Byron Highway (existing SR4) north and south of the Byron Highway / Marsh Creek Road intersection.

ACTION OF BOARD ON _____ **APPROVED AS RECOMMENDED** _____ **OTHER** _____

VOTE OF DIRECTORS

UNANIMOUS (ABSENT _____)
AYES: _____ NOES: _____
ABSENT: _____ ABSTAIN: _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

ATTESTED: _____
Secretary to the Authority

On January 9, 2003, this Board approved the proposed project and adopted the Environmental Impact Report (SCH#89032824) pertaining to this Project that was certified on December 13, 1994, and Addenda dated November 13, 1997 and January 14, 1999. On October 14, 2004, this Board adopted the Supplemental Environmental Impact Report (SCH#1989032824).

In order to proceed with the project, it is necessary for the Authority to exercise its power of eminent domain. Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to those persons as shown on Attachment A.

This notice consisted of sending by first-class mail on September 25, 2006, a Notice of Intention, which notified these owners that a hearing is scheduled for October 12, 2006 at 7:00 p.m., and thereafter, in the Tri-Delta Transit Meeting Room, 801 Wilbur Ave., in the City of Antioch, 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.

The project involves construction of approximately four (4) miles of new two-lane expressway between Balfour Road and Vasco Road at Walnut Boulevard, widening 4.5 miles of Marsh Creek Road to meet conventional highway standards, and widening on Byron Highway (existing SR4) north and south of the Byron Highway / Marsh Creek Road intersection. The existing State Route 4, through cities, is a substandard urban arterial. It is constrained by alignment and congested because of increasing volumes of local and regional traffic. The SR4 Bypass project has been incorporated in the General Plans of the cities as well as the County, the Authority approved the current project alignment in October 2005.

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.

The alignment of the project was adopted through a long public process that reviewed several alternatives and numerous iterations of those alternatives. The alignment being constructed was selected because it met important planning criteria. It was designed to conform to design standards for a limited access state highway. The current alignment, where not constrained by highway geometry, property lines or existing utility corridors, was located to minimize impacts to wetlands, prime farmlands, and sensitive habitat for endangered species as well as important cultural resources.

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

Pursuant to the approved Environmental Impact Report (EIR) for Segment 3, Marsh Creek Road will be improved to Caltrans conventional highway standards to provide the connector between the Bypass and the existing State Route 4/Byron Highway intersection. The project will widen the

existing roadway to provide two 12-foot travel lanes with 10-foot wide paved shoulders and was designed to minimize impacts to existing residences and structures. The properties in the Resolution of Necessity are required for these improvements, as the properties fall within the project limits for construction.

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

Consequences of Negative Action:

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

4A4

ATTACHMENT "A"

Property Owners	APN	Notification Address	R/W Parcel Number(s)
Doris May Polari, Patricia Ann Hoffner, Frank J. Polari, Jr., Loretta Olivieri, and Christine Olivieri,	011-180-003 & 044	Doris and Frank Polari and Patricia Hoffner at 620 Baldwin Drive, Brentwood, CA 94513-3317 Loretta Olivieri at 3351 Alfonso Drive, Concord, CA 94518 Christine Olivieri at 807 San Miguel Drive, Concord, CA 94518	59664 and 59663
Doris May Polari, Patricia Ann Hoffner, and Frank J. Polari, Jr.	011-180-046	620 Baldwin Drive, Brentwood, CA 94513-3317	59678
Antonio and Mary Bettencourt	011-110-026	25771 Marsh Creek Road, Brentwood, CA 94513	59646

cc: Shannon B. Jones (59664, 59663 & 59678)
 Shannon B. Jones Law Group
 175 East Prospect Ave., Ste., 210
 Danville, CA 94526

CAS

**THE BOARD OF DIRECTORS
STATE ROUTE 4 BYPASS AUTHORITY,
A JOINT POWER AGENCY**

Re: Condemnation of Property) **RESOLUTION OF NECESSITY**
 for Public Road Purposes,) **NO. 2006 /07**
 State Route 4 Bypass) **(C.C.P. Sec. 1245.230)**
 Brentwood/Byron Area)

The Board of Directors, as governing body of the State Route 4 Bypass Authority, a joint powers entity, by vote of two-thirds or more of its members, **RESOLVES** that:

Pursuant to Government Code Section 25350.5 and Streets & Highways Code Section 943, the State Route 4 Bypass Authority intends to construct Segment 3 of the State Route 4 Bypass in the Brentwood and Byron area, a public improvement, and in connection therewith, acquire certain interests in real property. The project consists of constructing approximately four (4) miles of new two-lane expressway between Balfour Road and Vasco Road at Walnut Boulevard, widening 4.5 miles of Marsh Creek Road to meet conventional highway standards, and widening on Byron Highway (existing SR4) north and south of the Byron Highway/Marsh Creek Road intersection.

The properties to be acquired along Byron Highway and Marsh Creek Road (east of Byron Highway) consist of portions of nine (9) parcels and are generally located in the Brentwood and Byron areas. The said properties are more particularly described in Appendix "A" and shown on Appendix "B" attached hereto and incorporated herein by reference.

On September 25, 2006, notice of the Authority's intention to adopt a resolution of necessity for acquisition by eminent domain of the real property described in Appendix "A" was sent to persons whose names appear on the last equalized County Assessment Roll as owners of said properties. The notice specified, October 12, 2006, at 7 p.m., at the Tri-Delta Transit Meeting Room, 801 Wilbur Ave., in the City of Antioch, California, as the time and place for the hearing thereon.

The hearing was held at that time and place, and all interested parties were given an opportunity to be heard and based upon the evidence presented to it, this Board finds, determines and hereby declares the following:

1. The public interest and necessity require the proposed project; and
2. The proposed project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury; and
3. The property described herein is necessary for the proposed project; and
4. The offer required by Section 7267.2 of the Government Code was made to the owner or owners of record.

4/1/07

On January 9, 2003, this Board APPROVED the proposed project and ADOPTED the Environmental Impact Report pertaining to this Project that was certified on December 13, 1994, and addenda dated November 13, 1997 and January 14, 1999. On October 14, 2004, this Board adopted the Supplemental Environmental Impact Report. A notice of determination was filed on October 19, 2004.

The County Counsel of this County as Counsel for the Authority, or his designee, is hereby **AUTHORIZED** and **EMPOWERED**:

To acquire in the Authority's name, by condemnation, the titles, easements and rights of way hereinafter described in and to said real property or interest(s) therein, in accordance with the provisions for eminent domain in the Code of Civil Procedure and the Constitution of California:

Parcels 1(59664-1) and 4(59663-3) are to be acquired in fee title.

Parcels 3(59664-3); 5(59663-4); 7(59678-1); 8(59646-5); and 9(59646-6) are to be acquired as Permanent Utility Easements.

Parcels 2(59664-2) and 6(59663-5) are to be acquired as Permanent Aerial Easements

To prepare and prosecute in the Authority's name such proceedings in the proper court as are necessary for such acquisition;

To deposit the probable amount of compensation, based on an appraisal, and to apply to said court for an order permitting the Authority to take immediate possession and use said real property for said public uses and purposes.

PASSED and ADOPTED on _____, by the following vote:

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of two thirds or more of the State Route 4 Bypass Authority, at a meeting of said Board of Directors on the date indicated above.

Date: _____

Maurice M. Shiu, Secretary
State Route 4 Bypass Authority

By: _____

csp :
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10/3//2006

cc: Carmen Piña-Sandoval, Real Property
David Kramer, Real Property
County Counsel (Certified Copy)
Karen A. Laws (313-2228)



APPENDIX "A"

Land Description(s) of three parcels of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of Section 27, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of the parcel described in the deed to Polari and Olivieri recorded June 11, 1981 in Book 10362 of Official Records at page 654, Contra Costa County records, described as follows:

Parcel 1 (59664-1) – Fee Title (Polari / Olivieri)

Commencing at the Southwest corner of said Section 27; thence northerly along the west line of said section, being also the centerline of Byron Highway (State Route 4), north 0°57'11" east, 6.096 meters (the bearing of north 0°57'11" east being taken for the purpose of this description) to a point on the northerly right of way line of Marsh Creek Road as described in the deed recorded September 12, 1885 in Book 48 of Deeds at Page 533; thence along said line south 89°02'40" east, 9.144 meters to the easterly right of way line of said Byron Highway and the Point of Beginning; thence from said Point of Beginning, along said easterly right of way line, north 0°57'11" east, 109.721 meters to the northerly line of said Polari and Olivieri parcel (10362 O.R. 654); thence easterly along said line, south 89°02'40" east, 11.168 meters; thence leaving said line south 0°47'38" east, 34.753 meters; thence south 0°58'52" east, 63.921 meters; thence south 66°32'39" east, 11.480 meters to a point on the easterly line of said Polari and Olivieri parcel (10362 O.R. 654); thence southerly along said line, south 0°57'11" west, 6.706 meters to a point on said northerly right of way line of Marsh Creek Road; thence westerly along said northerly line, north 89°02'40" west, 24.991 meters to the Point of Beginning.

Containing an area of 1,511 square meters of land, more or less.

Parcel 2 (59664-2) – Aerial Easement (Polari / Olivieri)

An aerial easement with the right to suspend, replace, remove, maintain and use such cross arms, wires and cables (supported by or suspended from poles, towers, or other structures located outside of the hereinafter described easement area) required for the transmission of electric energy, and for communication purposes,

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together with a right of way, on, along and in all of the hereinafter described easement area.

Commencing at the Southwest corner of said Section 27; thence northerly along the west line of said section, being also the centerline of Byron Highway (State Route 4), north 0°57'11" east, 17.194 meters (the bearing of north 0°57'11" east being taken for the purpose of this description); thence leaving said line, south 89°02'49" east, 23.529 meters to the Point of Beginning; thence from said Point of Beginning north 0°58'52" west, 63.921 meters; thence north 0°47'38" west, 34.753 meters to a point on the northerly line of said Polari and Olivieri parcel (10362 O.R. 654); thence easterly along said northerly line, south 89°02'40" east, 3.895 meters; thence leaving said line, south 1°08'17" east, 66.846 meters; thence south 0°52'52" west, 33.129 meters; thence north 66°32'39" west, 3.420 meters to the Point of Beginning.

Containing an area of 391 square meters of land, more or less.

Parcel 3 (59664-3) – Utility Easement (Polari / Olivieri)

An easement for anchors, guy wires and cables, poles, fixtures and appurtenances as deemed necessary for utility purposes and incidents thereto upon, over and across the certain real property described as follows:

Commencing at the Southwest corner of said Section 27; thence northerly along the west line of said section, being also the centerline of Byron Highway (State Route 4), north 0°57'11" east, 17.194 meters (the bearing of north 0°57'11" east being taken for the purpose of this description); thence leaving said line, south 89°02'49" east, 23.529 meters; thence north 0°58'52" west, 30.231 meters to the Point of Beginning; thence from said Point of Beginning, continuing north 0°58'52" west, 3.048 meters; thence north 90°00'00" east, 4.186 meters; thence south 1°08'15" east, 1.511 meters; thence south 90°00'00" west, 4.140 meters to the Point of Beginning.

Containing an area of 10 square meters of land, more or less.

Land Description(s) of three parcels of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of Section 27, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of Lot 1 of Subdivision Number 4596, filed November 2, 1977 in Book 204 of Maps at page 1, Contra Costa County records, described as follows:

Parcel 4 (59663-3) – Fee Title (Polari / Olivieri)

Beginning at the northwest corner of said Lot 1 (204 M 1), being the northeast corner of the 55 feet in width (16.764 meter) strip of land dedicated to Contra Costa County as shown on said map, and accepted by the County in the document recorded November 16, 2004, in series No. 2004-0439555; thence from said Point of Beginning, easterly along the northerly line of said Lot 1, south 88°56'50" east, 0.759 meters (the bearing of south 88°56'50" east being taken for the purpose of this description); thence leaving said line south 0°47'38" east, 91.492 meters, to a point on the northerly line of the parcel described in the deed to Polari and Olivieri recorded June 11, 1981 in Book 10362 of Official Records at page 654; thence along said northerly line, north 89°02'40" west, 3.548 meters to the southeast corner of said 55 feet in width (16.764 meter) strip of land; thence northerly along the easterly line of said strip of land, north 0°57'11" east, 91.451 meters to the Point of Beginning.

Containing an area of 197 square meters of land, more or less.

Parcel 5 (59663-4) – Utility Easement (Polari / Olivieri)

An easement for anchors, guy wires and cables, poles, fixtures and appurtenances as deemed necessary for utility purposes and incidents thereto upon, over and across the certain real property described as follows:

Beginning at a point on a westerly line of said Lot 1 (204 M 1), at the northwest corner of the 22 feet in width (6.706 meter) strip of land dedicated to Contra Costa County as shown on said map, and accepted by the County in the document recorded November 16, 2004, in series No. 2004-0439555; thence northerly, along said westerly line, north 0°57'11" east, 6.557 meters; thence leaving said line, south 89°02'40" east, 2.349 meters; thence south 0°57'11" west, 6.557 meters to a point on the northerly line of said 22 foot (6.706 meter) strip of land; thence westerly, along said northerly line, north 89°02'40" west, 2.349 meters to the Point of Beginning.

Containing an area of 15.4 square meters of land, more or less.

Parcel 6 (59663-5) – Aerial Easement (Polari / Olivieri)

An aerial easement with the right to suspend, replace, remove, maintain and use such cross arms, wires and cables (supported by or suspended from poles, towers, or other structures located outside of the hereinafter described easement area) required for the transmission of electric energy, and for communication purposes,

together with a right of way, on, along and in all of the hereinafter described easement area.

Commencing at the northwest corner of said Lot 1 (204 M 1), being the northeast corner of the 55 feet in width (16.764 meter) strip of land dedicated to Contra Costa County as shown on said map, and accepted by the County in the document recorded November 16, 2004, in series No. 2004-0439555; thence easterly along the northerly line of said Lot 1, south 88°56'50" east, 0.759 meters (the bearing of south 88°56'50" east being taken for the purpose of this description) to the Point of Beginning; thence from said Point of Beginning, continuing along said northerly Lot line, south 88°56'50" east, 3.345 meters; thence leaving said line, south 1°08'17" east, 91.505 meters, to a point on the northerly line of the parcel described in the deed to Polari and Olivieri recorded June 11, 1981 in Book 10362 of Official Records at page 654; thence along said northerly line, north 89°02'40" west, 3.895 meters; thence north 0°47'38" east, 91.492 meters to the Point of Beginning.

Containing an area of 331 square meters of land, more or less.

Land Description of a parcel of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of Section 27, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of Lot 3 of Subdivision Number 4596, filed November 2, 1977 in Book 204 of Maps at page 1, Contra Costa County records, described as follows:

Parcel 7 (59678-1) – Utility Easement (Polari)

An easement for anchors, guy wires and cables, poles, fixtures and appurtenances as deemed necessary for utility purposes and incidents thereto upon, over and across the certain real property described as follows:

Commencing at a point on the western line of Lot 3 (204 M 1), also being a point on the northern line of the 22 feet in width (6.706 meter) strip of land dedicated to Contra Costa County as shown on said subdivision map; thence easterly along said northern line south 89°02'40" east, 54.391 meters to the Point of Beginning; thence from said Point of Beginning continuing along said northern line south 89°02'40" east, 1.524 meters; thence leaving said line north 0°00'00" east, 4.655 meters; thence north 90°00'00" west, 1.524 meters; thence south 0°00'00" east, 4.629 meters to the Point of Beginning.

Containing an area of 7.1 square meters of land, more or less.

LA1

Land Description(s) of two parcels of land in an unincorporated area of the County of Contra Costa, State of California, being a portion of Section 28, Township 1 North, Range 3 East, Mount Diablo Meridian, also being a portion of the land described in the deed to Bettencourt recorded February 3, 1993 in Book 18251 of Official Records at page 739, Contra Costa County records, described as follows:

Parcel 8 (59646-5) – Utility Easement (Bettencourt)

An easement for anchors, guy wires and cables, poles, fixtures and appurtenances as deemed necessary for utility purposes and incidents thereto upon, over and across the certain real property described as follows:

Commencing at the Southeast corner of said Section 28; thence northerly along the east line of said section, being also the centerline of Byron Highway (State Route 4), north 0°57'11" east 100.577 meters (the bearing of north 0°57'11" east being taken for the purpose of this description) to the northeast corner of the parcel of land described in the deed to J. E. W. Carey, et. al., recorded May 22, 1876 in Book 30 of Deeds at Page 452; thence along the north line of said Carey parcel north 89°19'13" west 17.755 meters to the westerly right of way line of said Byron Highway as described in the grant deed to the State Route 4 Bypass Authority, recorded November 5, 2005 in Series Number 2005-0434663, Contra Costa County records; thence along said westerly line the following five courses: 1) north 0°16'02" east, 62.326 meters; 2) north 4°28'43" east, 74.683 meters; 3) north 1°33'59" east, 109.429 meters; 4) south 89°19'13" east, 3.593 meters; 5) north 0°57'11" east, 29.933 meters to the Point of Beginning; thence from said Point of Beginning, north 89°59'53" west, 6.393 meters; thence north 0°00'00" east, 3.048 meters; thence south 89°59'53" east, 6.444 meters to a point on said westerly line (Byron Highway); thence along said line, south 0°57'11" east, 3.048 meters to the Point of Beginning.

Containing an area of 20 square meters of land, more or less.

Parcel 9 (59646-6) – Utility Easement (Bettencourt)

An easement for anchors, guy wires and cables, poles, fixtures and appurtenances as deemed necessary for utility purposes and incidents thereto upon, over and across the certain real property described as follows: