

Recording Requested By:

Contra Costa County

Return To:

Board of Supervisors  
651 Pine St., Room 106  
Martinez, CA 94553

96 152751

RECORDED AT REQUEST OF

*Contra Costa Co.*

AUG 15 1996

AT 10 O'CLOCK A M.  
CONTRA COSTA COUNTY RECORDS  
STEPHEN L. WEIR  
COUNTY RECORDER  
FEE:

OFF'L

Document Title(s)

ORDINANCE NO. 96-27

SOUTH COUNTY AREA OF BENEFIT

**Ordinance No. 96 -27  
South County Area of Benefit**

The Board of Supervisors of Contra Costa County ordains as follows:

**SECTION I. SUMMARY.** This ordinance provides for the revision of the South County Area of Benefit, and the adoption of fees to be collected from developments proposed in the South County Area of Benefit located in unincorporated Contra Costa County to fund road improvements.

**SECTION II. REPLACEMENT.** Within the Fee Area, Ordinances 93-22, 93-23, 93-24 and 93-25 shall be repealed and replaced by this ordinance.

**SECTION III. AUTHORITY.** This ordinance is enacted, in part, pursuant to Government Code Section 66484 and Division 913, Title 9, of the Contra Costa County Ordinance Code.

**SECTION IV. NOTICE AND HEARING.** This ordinance was adopted pursuant to the procedure set forth in Government Code Sections 54986, 65091, 66016, 66017 and 66484, and Division 913, Title 9, of the Contra Costa County Ordinance Code, and all required notices have been properly given and public hearings held.

**SECTION V. FEE ADOPTION.** The following fees to fund road improvements are adopted for the South County Area of Benefit, as established by Resolution 96/344 dated August 6, 1996 and shall apply to all development within the Fee Area:

South County Area of Benefit:

<u>Land Use</u>	<u>Recommended Fee</u>
Single Family Residential	\$1,612 per Dwelling Unit
Other	\$1,612 per peak hour trip

Fees shall be collected when building permits are issued in accordance with Section 913-4.204 of Title 9 (Subdivisions) of the Contra Costa County Ordinance Code.

**SECTION VI. FEE AREA.** The fee area shall include all of the unincorporated area within the South County Area of Benefit with the following exception:

1. Any development required under conditions of approval to construct certain off-site road improvements in lieu of fee payment.
2. Areas in the Tassajara Area of Benefit
3. Areas in the Dougherty Valley Fee Area

The revised boundaries of the South County Area of Benefit as established by Resolution No. 96/344 adopted August 6, 1996 are described in Exhibit A attached to this ordinance.

**SECTION VII. SENIOR HOUSING.** Nothing in this Ordinance shall be construed to abridge or modify the Board's discretion, upon proper application for senior housing or congregate care facilities pursuant to Government Code Section 65915, to adjust or waive the fees provided for within this ordinance.

**SECTION VIII. PURPOSE AND USE OF FEES.** The purpose of the fees described in this ordinance is to generate funds to finance improvements to certain bridges and major thoroughfares in the South County area. The fees will be used to finance the road improvements listed in the Revised Development Program Report. As discussed in more detail in the Report, there is a reasonable relationship between the fees and the types of development projects that are subject to the fees in that the development projects will generate additional traffic on bridges and major thoroughfares in the South County area, thus creating a need to expand, extend or improve existing bridges and major thoroughfares and a need to construct new bridges and major thoroughfares to mitigate adverse traffic and infrastructure impacts that would otherwise result from such development projects.

**SECTION IX. SEVERABILITY.** If any fee or provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining fees or provisions, and the Board declares that it would have adopted each part of this ordinance irrespective of the validity of any other part.

**SECTION X. REVIEW OF FEES.** Project cost estimates shall be reviewed every year that the South County Area of Benefit is in effect. The fee schedule shall be adjusted annually to account for inflation using the State of California Construction Cost Index as published annually by the California Department of Transportation. At no time will the fee schedule be increased at a rate of more than 5% per year due to inflation.

**SECTION XI. EFFECTIVE DATE.** This ordinance shall become effective 60 days after passage, and within 15 days of passage, shall be published once with the names of the Supervisors voting for and against it in the San Ramon Valley Times, a newspaper of general circulation published in this County. Pursuant to Section 913-6.026 of the Contra Costa County Ordinance Code, the Clerk of the Board shall promptly file a certified copy of this ordinance with the County Recorder.

**SECTION XII. EXISTING FEE.** The replacement of Resolution No. 93/104 shall not affect fees accrued thereunder prior to the effective date of this ordinance, and such fees shall remain subject to payment and collection when building permits are issued in accordance with Section 913-4.204 of Title 9 (Subdivisions) of the Contra Costa County Ordinance Code.

**PASSED and ADOPTED on August, 6, 1996 by the following vote:**

**AYES:** Supervisors Rogers, Bishop, DeSaulnier, Torlakson, Smith

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

Attest: Phil Batchelor, Clerk of  
the Board of Supervisors and County  
Administrator

By:

Shirley Casillas  
Deputy

[Signature]  
Board Chair

EXHIBIT "A"

Real property in south Contra Costa County, California, bounded on the east by "Eastern Contra Costa Sub-Regional Transportation Mitigation Fee Area" adopted July 26, 1994 by Contra Costa County Board of Supervisors' Resolution 94/386, bounded on the south by Alameda County, and described as follows:

Beginning at the southwest corner of "Eastern Contra Costa Sub-Regional Transportation Mitigation Fee Area", also being the intersection of the boundary common to Contra Costa and Alameda Counties with the west line of Rancho Canada de los Vaqueros on the west line of Section 10, Township 2 South, Range 2 East, Mount Diablo Meridian; thence from the Point of Beginning along said county boundary in a general westerly direction 126,000 feet, more or less, to rancho corner P.C. No. 31 on the boundary of Rancho Laguna de los Palos Colorados; thence along said rancho boundary, north 19°28'45" east 3,547.16 feet to rancho corner P.C. No. 32 and north 1°13'26" east 929.81 feet, to the boundary of the Record of Survey filed June 20, 1980 in Book 67 of Licensed Surveyors' Maps at page 9; thence along the boundary of said Record of Survey as follows: 1) north 88°52'39" east 513.17 feet, 2) north 0°15'06" west 1,303.04 feet, 3) north 88°43'10" east 1,290.34 feet, and 4) north 0°27'37" west 1,306.53 feet, to the northwest corner of Section 28 (T1S, R2W); thence along the north lines of Sections 28, 27, and 26 (T1S, R2W), easterly 15,840 feet, more or less, to the west line of Section 25 (T1S, R2W); thence along said west line, southerly 2,640 feet, to the west quarter corner of Section 25; thence south 88°43'05" east 1,063.84 feet to the northwest corner of Subdivision MS 28-82 filed November 21, 1983 in Book 108 of Parcel Maps at page 11; thence along the north line thereof, south 88°47'23" east 1,062.06 feet, to the northwest corner of Subdivision MS 53-81 filed March 28, 1985 in Book 115 of Parcel Maps at page 14; thence along the north line of Subdivision MS 53-81, south 88°43'43" east 3,035.66 feet, to the east line of said Section 25; thence along said east line, northerly 2,640 feet, more or less, to the northeast corner of Section 25 on the boundary of Assessor Parcel Number (hereinafter referred to as APN) 199-010-012 described as PARCEL FIVE in the deed to East Bay Regional Park District (hereinafter referred to as EBRPD) recorded April 4, 1974 in Volume 7189 of Official Records at page 183; thence along said boundary in a general northerly and easterly direction 2,325.7 feet to the east line of that 13.19 acre Parcel APN 199-010-011 excepted from PARCEL FIVE in said deed to EBRPD and described as PARCEL ONE in the deed to the United States of America recorded July 29, 1980 in Volume 9930 of Official Records at page 913; thence along said east line in a general northwesterly direction 192.27 feet to an angle point on the boundary of said PARCEL FIVE (7189 O.R. 183); thence along said boundary in a general northwesterly direction 637.99 feet to the east line of Section 24 (T1S, R2W); thence along said east line, northerly 205.33 feet, to the southwest corner of Subdivision 5310 filed May 27, 1981 in Book 252 of Maps at page 19; thence along the boundary of Subdivision 5310, north 1°11'46" east 209.22 feet and north 76°04'30" east 527.74 feet, to the northeast corner thereof on the south line of Subdivision MS 7-76 filed February 25, 1977 in Book 52 of Parcel Maps at page 39; thence along said south line, north 76°03'57" east 543.09 feet, to the most eastern corner thereof on the boundary of Subdivision 3820 recorded May 13, 1969 in Book 126 of Maps at page 25; thence along said boundary, south 32°44'22" east 527.82 feet, to the south corner thereof on the boundary of Tract 2575 recorded November 6, 1957 in Book 68 of Maps at page 43; thence along the boundary of Tract 2575 in a general northerly direction 1,472.58 feet to the west corner of Tract 2509 recorded November 8, 1956 in Book 65 of Maps at page 46; thence along the boundary of Tract 2509 in a general northeasterly direction 399.56 feet to the most western corner of Tract 2080 recorded February 2, 1955 in Book 57 of Maps at page 4; thence along the boundary of Tract 2080 in a general northeasterly direction 397.83 feet to the

north corner thereof; thence crossing Southern Pacific Railroad right of way, northeasterly 50 feet, more or less, to the west corner of Subdivision 5750 filed July 11, 1983 in Book 271 of Maps at page 50; thence along the boundary of Subdivision 5750 in a general northeasterly direction 582.04 feet to the north corner thereof; thence north 44°34'26" east 30 feet, more or less, to the centerline of Danville Boulevard; thence along said centerline in a general northwesterly direction 950 feet, more or less, to the south corner of Lot 5 of the Hemme Home Tract shown on the map filed October 21, 1938 in Book 5 of Licensed Surveyors' Maps at page 55; thence along the southeast line thereof, northeasterly 718.08 feet, to the boundary of the Record of Survey filed June 1, 1967 in Book 48 of Licensed Surveyors' Maps at page 15; thence along said boundary as follows: 1) westerly 182.82 feet, 2) northwesterly 349.5 feet, 3) northerly 256.77 feet, and 4) northeasterly 504.29 feet, to the north corner thereof on the southwest right of way line of Interstate Freeway 680 shown on the State of California Right of Way Record Map R-86.14; thence crossing said freeway, northeasterly 274.37 feet, to the south corner of Subdivision MS 58-83 filed August 16, 1989 in Book 141 of Parcel Maps at page 42; thence along the boundary thereof as follows: 1) north 48°35'54" east 900.66 feet, 2) north 2°45'17" east 1,139.04 feet, 3) north 41°29'15" east 561.74 feet, and 4) north 89°49'15" east 177.69 feet, to the southwest corner of Subdivision 5980 filed June 30, 1981 in Book 254 of Maps at page 10; thence along the south line of Subdivision 5980, north 89°49'15" east 1,073.8 feet, to the southeast corner thereof on the boundary of Subdivision 7142 filed January 29, 1990 in Book 341 of Maps at page 38; thence along said boundary, south 66°05'49" east 640.72 feet to the northeast corner thereof, also being the north corner of APN 197-140-026 described in the deed to EBRPD recorded March 8, 1977 in Volume 8231 of Official Records at page 139 and shown on the map of Subdivision MS 14-76 filed March 28, 1977 in Book 53 of Parcel Maps at page 14; thence along the northeast line of Subdivision MS 14-76, south 66°19'52" east 350.61 feet and south 67°58'52" east 453.7 feet, to the northwest corner of Subdivision MS 858-88 filed November 3, 1989 in Book 143 of Parcel Maps at page 20; thence along the north line of Subdivision MS 858-88, north 78°31'33" east 602.95 feet and south 89°22'50" east 46.74 feet, to the northwest corner of Subdivision MS 238-65 filed January 5, 1966 in Book 39 of Licensed Surveyors' Maps at page 16; thence along the north line of Subdivision MS 238-65, easterly 379.52 feet, to the northeast corner thereof; thence south 89°42'33" east 823.03 feet to the northwest corner of PARCEL TWO of Subdivision MS 853-89 filed January 18, 1991 in Book 150 of Parcel Maps at page 42; thence along the boundary thereof, south 89°42'33" east 408.15 feet and south 0°53'33" west 975.85 feet, to the northeast corner of Subdivision 6065 filed May 22, 1984 in Book 279 of Maps at page 16; thence along the east line of Subdivision 6065, south 0°48'22" west 274.96 feet, to the northeast corner of Subdivision MS 85-81 filed April 1, 1982 in Book 100 of Parcel Maps at page 7; thence along the boundary of Subdivision MS 85-81, south 0°48'22" west 275.38 feet and north 89°01' west 228 feet, to the boundary of Subdivision MS 104-81 filed February 14, 1982 in Book 104 of Parcel Maps at page 45; thence along the boundary of Subdivision MS 104-81 as follows: 1) southerly 93.47 feet, 2) easterly 198.71 feet, 3) southerly 174.06 feet, and 4) southerly 65.45 feet, to the southeast corner thereof; thence southerly 209.55 feet to the northeast corner of Subdivision MS 247-76 recorded August 15, 1977 in Book 57 of Parcel Maps at page 10; thence along the east line thereof, southerly 275 feet, to the northeast corner of Subdivision MS 134-74 filed May 7, 1976 in Book 44 of Parcel Maps at page 38; thence along the east line of Subdivision MS 134-74, southerly 81.96 feet, to the northeast corner of Subdivision 4723 recorded August 13, 1975 in Book 179 of Maps at page 40; thence along the boundary of Subdivision 4723, south 0°04'22" west 517.52 feet and north 88°31'26" east 152.56 feet, to the northwest corner of Subdivision 3306 recorded April 7, 1965 in Book 103 of Maps at page 19; thence along the north line of Subdivision 3306, north 88°23'37" east 1,454.41 feet, to the northwest corner of Subdivision 4260 recorded September 13, 1972 in Book 150 of Maps at page 43; thence along the north line of Subdivision 4260, north 88°22'50" east 1,019.55 feet to the southwest corner of Section 16 (T1S, R1W) and north 89°15'49" east 300.11 feet, to the southwest corner of PARCEL "A" of Subdivision MS 149-70 filed October 28, 1971 in Book 19 of Parcel Maps at page 8; thence along the west line of PARCEL "A"

and its prolongation in a general northerly direction 2,630.39 feet, to the centerline of Stone Valley Road; thence along said centerline in a general easterly direction 2,500 feet, more or less, to the western prolongation of the north line of Subdivision MS 46-72 filed January 24, 1973 in Book 26 of Parcel Maps at page 11; thence along said prolongation and north line, easterly 500 feet, more or less, to the northwest corner of Subdivision 7177 filed November 1, 1993 in Book 369 of Maps at page 1; thence along the north line of Subdivision 7177, north 88°11'59" east 712.69 feet, to the northeast corner thereof; thence easterly 230 feet to the northwest corner of Subdivision 5285 recorded May 20, 1953 in Book 270 of Maps at page 3; thence along the north line of Subdivision 5285, north 89°11'59" east 520.86 feet, to the northeast corner thereof; thence easterly 187.14 feet to the northwest corner of Subdivision MS 78-72 filed January 5, 1973 in Book 25 of Parcel Maps at page 47; thence easterly 167.97 feet to the northwest corner of Subdivision MS 13-74 filed November 15, 1974 in Book 35 of Parcel Maps at page 48; thence along the north line of Subdivision MS 13-74, easterly 439 feet, to the northeast corner thereof; thence easterly 729.74 feet to the northeast corner of Cameo Acres Unit No. 3 recorded April 19, 1930 in Book 40 of Maps at page 4; thence easterly 133.59 feet to the northwest corner of Subdivision 4894 recorded November 2, 1977 in Book 203 of Maps at page 49; thence along the north line of Subdivision 4894, north 88°49'59" east 1,420.93 feet, to the northeast corner thereof; thence easterly 2,020 feet, more or less, to the northwest corner of Subdivision MS 154-76 filed August 23, 1977 in Book 57 of Parcel Maps at page 17; thence along the boundary thereof in a general southeasterly direction 827.11 feet to the northwest corner of Subdivision MS 263-78 filed September 19, 1979 in Book 81 of Parcel Maps at page 1; thence along the boundary of Subdivision MS 263-78 as follows: 1) in a general southeasterly direction 1,262.95 feet to the southwest corner thereof on the centerline of Alameda Diablo, 2) northeasterly 162.97 feet to the southeast corner thereof on the centerline of Mount Diablo Scenic Boulevard (South Gate Road), 3) along said centerline in a general northerly direction 664.7 feet, 4) along said centerline in a general southwesterly direction 223.46 feet, and 5) along said centerline in a general northerly direction 685.64 feet, to the northeast corner of Subdivision MS 263-78 on the boundary of Subdivision MS 154-76 (57 PM 17); thence along the boundary of Subdivision MS 154-76 in a general northeasterly direction 781.94 feet to the northeast corner thereof, also being the southeast corner of Subdivision MS 193-76 filed January 25, 1978 in Book 62 of Parcel Maps at page 40; thence along the boundary of Subdivision MS 193-76 in a general northerly direction 2,834.63 feet to the northeast corner of Section 15 (T1S, R1W); thence along the north line of Section 15, south 89°28'40" west 2,589.83 feet, to the southeast corner of Subdivision 5607 filed February 25, 1982 in Book 262 of Maps at page 34; thence along the boundary thereof, north 0°42'48" east 1,574.44 feet and north 67°54'29" west 944.49 feet, to the southeast corner of Subdivision 5536 filed March 17, 1981 in Book 250 of Maps at page 8; thence along the boundary of Subdivision 5536, north 669.56 feet, west 428 feet, and north 52°12'06" west 1,583.74 feet, to the south line of that 787.58 acre parcel shown on the Record of Survey filed June 22, 1960 in Book 18 of Licensed Surveyors' Maps at page 39; thence along said south line, north 87°52'06" east 4,200 feet, more or less, to the southeast corner thereof on the northwest line of Lot D, Rancho San Miguel Robert Allen Tract; thence along said northwest line, northeasterly 3,100 feet, more or less, to the centerline of Mount Diablo Scenic Boulevard (North Gate Road); thence along said centerline in a general easterly direction 12,400 feet, more or less, to the centerline intersection of Summit Road; thence along the centerline of Mount Diablo Scenic Boulevard (South Gate Road) in a general southerly direction 6,700 feet, more or less, to the south line of Section 12 (T1S, R1W); thence along said south line, easterly 4,400 feet, to the boundary of aforementioned "Eastern Contra Costa Sub-Regional Transportation Mitigation Fee Area"; thence along said boundary in a general southeasterly direction 80,000 feet, more or less, to the boundary common to Contra Costa and Alameda Counties, the Point of Beginning.