

Ordinance No. 94 - 3

North Richmond Area of Benefit

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

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

SECTION II. 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 III. 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 IV. FEE ADOPTION. The following fees to fund road improvements are adopted for the North Richmond Area of Benefit, as established by Resolution 94 /29 dated January 11, 1994 and shall apply to all development within the Area of Benefit:

North Richmond Area of Benefit:

<u>Land Use</u>	<u>Recommended Fee</u>
Single Family Residential	\$ 1,900 per Dwelling Unit
Multiple Family Residential	\$ 1,525 per Dwelling Unit
Industrial	\$ 1.33 per Square Foot Gross Floor Area
Commercial	\$ 4.81 per Square Foot Gross Floor Area
Other	\$ 1,900 per PM peak hour trip

The fee shall be payable as specified in Chapter 913-4 of the Contra Costa County Ordinance Code, as modified by Government Code Section 53077.5, with the following exception: Fees from new residential construction within Agricultural Preserve or Open Space areas in the General Plan shall be collected upon the issuance of a building permit or at the time specified in Government Code section 53077.5(a), as applicable, and not upon recordation of a parcel map or final subdivision map.

SECTION V. FEE AREA. The fee area shall include all of the unincorporated area within the North Richmond 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.

The boundaries of the North Richmond Area of Benefit as established by Resolution No. 94/29 adopted January 11, 1994 are described in Exhibit A attached to this ordinance.

SECTION VI. SENIOR HOUSING. Nothing in this Ordinance shall be construed to abridge or modify, at 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 this ordinance.

SECTION VII. 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 North Richmond area. The fees will be used to finance the road improvements listed in the Development Program Report. As discussed in more detail in said 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 North Richmond 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 VIII. 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 IX. REVIEW OF FEES. Project cost estimates shall be reviewed January 1 of every year that the North Richmond 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 X. 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 West Contra Costa 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.

PASSED and ADOPTED on January 11, 1994, 1994 by the following vote:

AYES:	Supervisors Smith, Bishop, McPeak, Torlakson and Powers
NOES:	None
ABSENT:	None
ABSTAIN:	None

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

By: Barbara Sidari
Deputy

Mark D. Powers
Board Chair

NW/RBT:nw:rbt
C:NRAOBORD.112
Attachments

EXHIBIT A

Real property in the unincorporated area of North Richmond, California. Document and map references are to records of Contra Costa County.

Beginning at the intersection of the south line of Chesley Avenue (Road No. 25) with the east line of Southern Pacific Railroad right of way, shown on Map of Wall's Second Addition to the City of Richmond filed March 2, 1912 in Map Book 6 at page 140; thence along the south line of Chesley Avenue, South 89° 56' West 2,588.6 feet, to the centerline of York Street (6 M 140); thence along said centerline, South 00° 04' East 100 feet, to the easterly prolongation of the north line of Lot 15 (6 M 140); thence along said prolongation and north line, South 89° 56' West 125 feet, to the northwest corner; thence along the west line of Lot 15 and its southerly prolongation, South 00° 04' East 125 feet, to the centerline of Gertrude Avenue (6 M 140); thence along said centerline, North 89° 56' East 125 feet, to the centerline of York Street; thence along the centerline of York Street, South 00° 04' East 1,310 feet, to the easterly prolongation of the north line of Block 2, Map of the Andrade-Gularte Tract filed in Map Book 7 at page 175; thence along said prolongation, north line, and westerly prolongation, North 89° 45' West 970.9 feet, to the northwest corner of Block 1 (7 M 175), being a point on the south line of City of Richmond PARCEL THREE recorded April 21, 1978 in Volume 8803 at page 828; thence along the boundary of said City parcel, North 88° 51' 40" West 5.10 feet and North 12° 51' 10" East 21 feet, to the southwest corner of Lot 18, Block 237, Wall's Second Addition (6 M 140); thence along the boundary of said Addition, North 11° 45' 50" East 7.65 feet, North 60° 34' East 196.92 feet, North 13° 02' 10" East 1,006.29 feet, North 54° East 224.4 feet, and North 01° 45' West 98.16 feet, to the north line of Gertrude Avenue; thence along said north line, North 88° 54' 41" West 2,293.06 feet, to the southwest corner of Chevron U.S.A. Inc. (formerly known as Standard Oil Co. of California) parcel recorded April 26, 1961 in Volume 3854 at page 360; thence along the west line thereof, North 854.07 feet, to the northwest corner; thence along the north line thereof and its easterly prolongation, North 86° 25' East 620 feet, more or less, to an angle point in the east line of Edward J. Hegarty PARCEL ONE recorded March 26, 1962 in Volume 4083 at page 364; thence along the east line thereof, North 00° 01' 24" West 171.94 feet, to the south line of Golden State Sanwa Bank parcel recorded June 18, 1985 in Volume 12365 at page 62; thence along said south line, South 89° 45' West 72.22 feet, to the southwest corner; thence along the west line thereof and its northerly prolongation, North 1,214.4 feet, to the south line of Garden Tract Road granted to Contra Costa County and recorded September 28, 1956 in Volume 2852 at page 423; thence along said south line, West 30 feet, to the southwest corner; thence along the west line of Garden Tract Road, North 00° 11' East 1,937 feet, to the southeast corner of West Contra Costa Sanitary District parcel recorded July 17, 1953 in Volume 2162 at page 82; thence along the boundary thereof, West 580.70 feet and North 733 feet, to the south line of Section 35, Township 2 North, Range 5 West, Mount Diablo Base and Meridian; thence

North 60 feet; thence West 3,300 feet to the west line of Section 35; thence West 1,770 feet, more or less, to a point on the boundary of State of California parcel recorded April 30, 1981 as EXHIBIT C in Volume 10304 at page 217; thence along said boundary the following courses: North $12^{\circ} 52' 08''$ West 132.38 feet, North $16^{\circ} 48' 58''$ East 329.01 feet, North $31^{\circ} 01' 19''$ East 94.34 feet, North $76^{\circ} 42' 32''$ East 195.26 feet, South $88^{\circ} 02' 57''$ East 485.64 feet, South $85^{\circ} 41' 40''$ East 910.51 feet, South $89^{\circ} 27' 21''$ East 375.13 feet, North $41^{\circ} 37' 51''$ East 135.88 feet, and North 646.04 feet; thence East 4,370 feet, more or less, to the most western corner of State of California parcel recorded July 18, 1978 in Volume 8928 at page 164; thence along the boundary of said State parcel, North $64^{\circ} 30'$ East 105 feet more or less, North $33^{\circ} 00'$ East 290.4 feet, North 03° East 99 feet, and North $63^{\circ} 30'$ East 58.74 feet, to the north line thereof, being also the south line of Subdivision 5754 filed June 18, 1982 in Map Book 264 at page 36; thence along said south line and its easterly prolongation, South $89^{\circ} 01' 12''$ East 2,007 feet, to the east line of Goodrick Avenue (264 M 36); thence along said east line, South $01^{\circ} 02' 18''$ West 704.96 feet, to the northwest corner of Minor Subdivision 758-84 filed August 24, 1984 in Parcel Map Book 111 at page 30; thence South $84^{\circ} 48' 42''$ East 25.07 feet to the northwest corner of PARCEL D (111 PK 30); thence along the west lines of PARCEL D and PARCEL C (111 PK 30), South $01^{\circ} 02' 18''$ West 618.81 feet, to a tangent curve, concave to the northeast with a radius of 50 feet; thence along the arc of said curve, Southeasterly 90.12 feet, thru a central angle of $103^{\circ} 16' 20''$, to a point of reverse curvature (a radial to said point bears North $12^{\circ} 14' 02''$ West 1,040 feet); thence along the arc of said reverse curve, being also the north line of Parr Boulevard, Easterly 607.91 feet, thru a central angle of $32^{\circ} 29' 28''$, to the southeast corner of PARCEL B (111 PK 30); thence along the east line of PARCEL B, North $05^{\circ} 11' 18''$ East 647.61 feet, to the northeast corner thereof, being also the most southeastern corner of PARCEL A filed January 24, 1973 in Parcel Map Book 26 at page 12; thence along the east line of PARCEL A, North $04^{\circ} 06' 30''$ East 1,071.05 feet, to the southwest corner of PARCEL C filed October 3, 1984 in Parcel Map Book 112 at page 17; thence along the west line of PARCEL C, North $04^{\circ} 06' 30''$ East 203.78 feet, to the northwest corner; thence along the north line of PARCEL C and its easterly prolongation, South $85^{\circ} 53' 30''$ East 1,230 feet, more or less, to the east line of Southern Pacific Railroad 125 feet wide right of way; thence along said east line, Southerly 2,245 feet, more or less, to the north line of Parr Boulevard; thence Southerly 82 feet, more or less, to the south line of Parr Boulevard at its intersection with the east line of Southern Pacific Railroad 100 feet wide right of way; thence along said east line, Southerly 2,300 feet, more or less, to the northwest corner of Southern Pacific Railroad Company parcel 872-7-9E Pci 15; thence along the boundary thereof the following courses: South $67^{\circ} 15'$ East 23.1 feet, South $48^{\circ} 30'$ East 52.8 feet, South $71^{\circ} 45'$ East 37.6 feet, South $03^{\circ} 45'$ West 609.14 feet, North $86^{\circ} 15'$ West 6.5 feet, South $03^{\circ} 45'$ West 537 feet, and North $89^{\circ} 57'$ West 100 feet, to the east line of Southern Pacific Railroad 100 feet wide right of way; thence along said east line, South $04^{\circ} 06' 10''$ West 630 feet and South $03^{\circ} 45'$ West 507 feet, more or less, to the point of beginning.

Excepting therefrom all of 8.43 acre City of Richmond parcel recorded August 4, 1972 in Volume 6717 at page 145.