

GRANT DEED OF DEVELOPMENT RIGHTS
TO COUNTY

February 18, 1981

A 8216

In the Board of Supervisors
of
Contra Costa County, State of California

CONTRA COSTA COUNTY
PLANNING DEPARTMENT
FEB 19 4 28 PM '81

February 17, 19 81

In the Matter of
Authorizing Acceptance
of Instrument(s).

IT IS BY THE BOARD ORDERED that the following Instrument(s) (is/are)
ACCEPTED:

<u>INSTRUMENT</u>	<u>REFERENCE</u>	<u>GRANTOR</u>	<u>AREA</u>
Drainage Release	SUB 5042	Orinda Union School Dist.	Orinda
✓ Grant Deed of Development Rights	SUB 5443	Blackhawk Corp.	Blackhawk

PASSED by the Board on February 17, 1981 by the following vote:

- AYES: Supervisors Fahden, Schroder, McPeak, Torlakson, Powers.
- NOES: None.
- ABSENT: None.

I hereby certify that the foregoing is a true and correct copy of an order entered on the minutes of said Board of Supervisors on the date aforesaid.

Originator: Public Works (LD)

cc: Recorder (via PW LD)
✓ Director of Planning

Witness my hand and the Seal of the Board of
Supervisors
affixed this 17th day of February, 19 81

J. R. OLSSON, Clerk
By Diana M. Herman, Deputy Clerk
Diana M. Herman

Public Works Department

6th Floor, Administration Building
Martinez, California 94553
(415) 372-2102

J. Michael Walford
Acting Public Works Director

Contra
Costa
County



Barton J. Gilbert
Deputy-Administrative
Services
(415) 372-2105

Mark L. Kermit
Deputy-Transportation
(415) 372-2102

R.M. Rygh
Deputy-Buildings and Grounds
(415) 372-2222

J.E. Taylor
Deputy-Operations
& Flood Control
255 Glacier Drive
(415) 372-4470

To: Planning Department

Attention: _____
Re: Sub 5443 Blackhawk

Date: 3/21/81

Gentlemen:

We are sending you, attached, under separate cover via _____,
the following items:

Copies	Description
1	Front Deal of Development Rights

These are transmitted as checked below:

- For your use
- As requested
- For review and comment
- Returned for corrections
- _____ copies retained for our files
- Sign and return _____ copies
- Reviewed, no additional comments
- Reviewed, see additional comments
- Return _____ corrected prints

Remarks: FOR Your Files

Please direct any questions/information to B. Allen

Very truly yours,
J. Michael Walford
Acting Public Works Director

By William R. Gray
William R. Gray
Assistant Public Works Director
Land Development Division

21-24530

A-8-2-81

FEB 27 1981

COPY 1219 PAGE 730

At the Request of:
CONTRA COSTA COUNTY
Data to: PROG. PLAN. & SPEC. PROJ.
PUBLIC WORKS DEPT.

In the Board of Supervisors
of

RECORDS SECTION

Contra Costa County, State of California

February 17, 19 81

In the Matter of
Authorizing Acceptance
of Instrument(s).

RECORDED AT REQUEST OF
CONTRA COSTA COUNTY

FEB 27 1981
AT 3 O'CLOCK P.M.
CONTRA COSTA COUNTY RECORDS
J. R. OLSSON
COUNTY RECORDER
FEE: OFF L

IT IS BY THE BOARD ORDERED that the following Instrument(s) (is/are)
ACCEPTED:

<u>INSTRUMENT</u>	<u>REFERENCE</u>	<u>GRANTOR</u>	<u>AREA</u>
Drainage Release	SUB 5042	Orinda Union School Dist.	Orinda
Grant Deed of Development Rights	SUB 5443	Blackhawk Corp.	Blackhawk

PASSED by the Board on February 17, 1981 by the following vote:

AYES: Supervisors Fahden, Schroder, McPeak, Torlakson, Powers.
NOES: None.
ABSENT: None.

I hereby certify that the foregoing is a true and correct copy of an order entered on the minutes of said Board of Supervisors on the date aforesaid.

Originator: Public Works (LD)

cc: ✓ Recorder (via PW LD)
Director of Planning

Witness my hand and the Seal of the Board of Supervisors

affixed this 17th day of February, 19 81

J. R. OLSSON, Clerk
By Diana M. Herman, Deputy Clerk

Diana M. Herman

Seal Affixed

RECORDED AT THE REQUEST OF
FOUNDERS TITLE INSURANCE COMPANY

WHEN RECORDED RETURN TO:

RECORDED AT REQUEST OF
FOUNDERS TITLE COMPANY
AT 8:00 AM
COUNTY CLERK'S OFFICE
FEE OFF'D J. R. OLSSON
COUNTY RECORDER

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledged, BLACKHAWK CORPORATION, a Delaware corporation qualified to do business in California as BLACKHAWK DEVELOPMENT CO. hereby grants to the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (hereinafter "County") and its governmental successor or successors, the future "Development Rights", as defined hereinbelow, in that certain parcel of real property situate in the County of Contra Costa, State of California, more particularly described as follows:

Parcels A, B, and C as shown upon the Map of Subdivision 5443 filed in the Office of the Recorder of Contra Costa County on August 13, 1980, in Book 244 of Maps at Pages 24 et seq.; excepting therefrom those certain parcels of land described in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

DOCUMENTARY TRANSFER TAX \$ _____
 COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
 COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES REMAINING THEREON AT TIME OF SALE

Signature of declarant or agent determining tax - firm name

"Development Rights" are defined as the right to approve or disapprove any proposed construction, development or improvement which would substantially and materially change the nature of the "current proposed use" of said real property. The "current proposed use" of said real property is shown, in part, on said maps and is described, in part, in the Final Development Plan in County File 3035-78 approved by the San Ramon Valley Area Planning Commission of the County of Contra Costa on July 12, 1978, and includes the following:

- a. trails, walkways and paths and associated improvements;
- b. private roads and driveways;
- c. landscaped areas including irrigation facilities;
- d. entrance gate and gatehouse;
- e. fencing and walls;
- f. street lights;
- g. utilities and utility facilities and installations including, but not limited to, sanitary sewers; natural gas mains, laterals and services; water mains, laterals and services;

- water tanks, pumps, and associated equipment, facilities and improvements; and telephone and cable television facilities;
- h. storm drains; culverts; pipes; drainage facilities; systems and patterns; and retention ponds for the collection, control, discharge or storage of storm and surface waters;
- i. all reasonable and necessary incidents to any of the foregoing including improvements necessary to provide access thereto;
- j. golf courses, including, but not limited to, greens, fairways, rough, ponds, and associated landscaping, and clubhouses, including, but not limited to, restaurants, bars, pro shops and parking;
- k. such other facilities as may be deemed desirable by the owner of said real property, from time to time, exclusively for the maintenance and preservation of said real property and/or the recreation and leisure activities of the owners, members, residents and users of the real property shown on said maps and owned

by Blackhawk Corporation and any and all planning, design and landscaping incident thereto.

The "Development Rights" are, and shall be a form of negative easement (but not a reciprocal negative easement) over all of the real property particularly described above, which shall run with such particularly described real property and shall bind the current owner and any future owner or owners of all or any portion of the real property particularly described above. In the event of County's (or its successor's) disapproval of proposed construction covered by the conveyance of "Development Rights" herein, said proposed construction shall not be performed. County, or its successor, may condition its approval of any proposed construction upon the prior or subsequent performance of such conditions as County, or its successor, may deem appropriate.

Any owner or owners of all or any portion of the real property particularly described above desiring to develop any improvement requiring the approval of County, or its successor, shall submit to the County Board of Supervisors, or the governing body of its successor, a written proposal describing the nature, extent and location of such improvement. County, or its

successor, shall have sixty (60) days from receipt of such proposal in which to approve or disapprove the proposal. Failure by County or its successor, to approve or disapprove within said time shall be conclusively deemed to be approval of such proposal.

Dated this 14 day of October, 1980.

BLACKHAWK CORPORATION, a Delaware corporation qualified to do business in California as BLACKHAWK DEVELOPMENT CO.


By [Signature]
Its President

Attest [Signature]
Its Secretary

STATE OF CALIFORNIA)
) SS
COUNTY OF CONTRA COSTA)

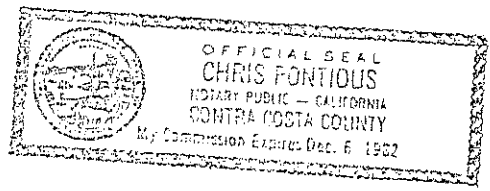
On 10/14, 1980, before me, the undersigned, a Notary Public in and for said state, personally appeared OWEN C. SCHWADERER and STEPHEN P. BEINKE, known to me to be the President and Secretary, respectively, of BLACKHAWK CORPORATION, a Delaware corporation qualified to do business in California as BLACKHAWK DEVELOPMENT CO., the corporation that executed the within instrument, known to me to be the persons who executed the within instrument, on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.



NOTARY PUBLIC

SMS/csm-16
CP.CCB-1



REAL PROPERTY IN THE COUNTY OF CONTRA COSTA, STATE
OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL "C", AS SHOWN ON THE MAP
OF SUBDIVISION 5443 RECORDED IN BOOK 244 OF MAPS AT
PAGE 24 DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 49 AS
SHOWN ON THE AFOREMENTIONED MAP OF SUBDIVISION 5443
(244 M 24); THENCE NORTH $56^{\circ} 23' 30''$ WEST, 88.00 FEET;
THENCE NORTH $40^{\circ} 06' 15''$ WEST, 281.50 FEET; THENCE NORTH
 $35^{\circ} 09' 23''$ WEST, 66.88 FEET; THENCE SOUTH $44^{\circ} 20' 35''$
EAST, 187.75 FEET; THENCE SOUTH $62^{\circ} 21' 14''$ EAST, 165.95
FEET; SOUTH $07^{\circ} 53' 59''$ EAST, 108.46 FEET TO THE POINT
OF BEGINNING.

CONTAINING 13,906 SQUARE FEET, MORE OR LESS.

EXHIBIT A

REAL PROPERTY IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL "C" AS SHOWN ON THE MAP OF SUBDIVISION
5443, RECORDED IN BOOK 244 OF MAPS AT PAGE 24 CONTRA COSTA
COUNTY RECORDS.

BEGINNING AT A POINT ON THE NORTHERLY LINE OF CONIFER TERRACE AS
SHOWN ON THE MAP OF SUBDIVISION 5441 RECORDED IN BOOK 240 OF
MAPS AT PAGE 7, CONTRA COSTA COUNTY RECORDS DISTANT THEREON NORTH
72° 26' 15" WEST, 37.11 FEET FROM ITS INTERSECTION WITH SEQUOIA
TERRACE; THENCE ALONG SAID NORTHERLY LINE NORTH 72° 26' 15" WEST,
20.68 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT HAVING A
RADIUS OF 437.00 FEET THROUGH A CENTRAL ANGLE OF 35° 12' 18",
AN ARC DISTANCE OF 268.51 FEET; THENCE ALONG A REVERSING CURVE
TO THE LEFT HAVING A RADIUS OF 588.00 FEET THROUGH A CENTRAL ANGLE
OF 19° 29' 27", AN ARC DISTANCE OF 200.00 FEET; THENCE LEAVING
SAID NORTHERLY LINE ALONG A NON-TANGENT CURVE CONCAVE TO THE
SOUTHWEST HAVING A RADIUS OF 878.00 FEET, THE CENTER OF WHICH
BEARS SOUTH 33° 16' 36" WEST THROUGH A CENTRAL ANGLE OF 16° 21' 02",
AN ARC DISTANCE OF 250.56 FEET; THENCE ALONG A REVERSING CURVE TO
THE LEFT HAVING A RADIUS OF 422.00 FEET THROUGH A CENTRAL ANGLE
OF 32° 03' 53", AN ARC DISTANCE OF 236.17 FEET TO THE POINT OF
BEGINNING.

CONTAINING 2,750 SQUARE FEET, MORE OR LESS.

EXHIBIT B

PAGE I OF I

END OF DOCUMENT