STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

#### RIGHT OF WAY CONTRACT - STATE HIGHWAY

RW 8-3 (6/95)

, California	Dist.	Co.	Rte.	P.M.	Exp. Auth.
	4	CC	680	20.89	2285U9
					04 0000 0651
, 2015					

CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a flood control district organized under the laws of the State of California

Documents No. <u>58368 & 58059</u> in the form of a <u>Grant Deed and Easement Deed</u>, covering the property particularly described in above instruments have been executed and delivered to <u>SUZANN GOODHUE</u>, Right of Way Agent for the State of California.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

- 1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said documents and shall relieve the State of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
  - (B) Grantee requires said property described in Document No. <u>58368 & 58059</u> for State highway purposes, a public use for which Grantee has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and Grantee is compelled to acquire the property.

Both Grantor and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.

#### 2. The State shall:

(A) Pay the undersigned Grantor the sum of \$15,290.00\_ for all property, interests including expenses and interest due from date of possession, i.e., May 31, 2002 as conveyed by the above document(s) when title to said property vests in the State subject to all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded) and taxes.

- (B) Pay all escrow and recording fees incurred in this transaction, and, if title insurance is desired by the State, the premium charged therefor. Said escrow and recording charges shall not, however, include documentary transfer tax.
- (C) Subject to the approval by the California Transportation Commission ("CTC"), deliver to Grantors within 180 days of the execution of this Right of Way Contract, good and sufficient Director's Easement Deeds, DE 041336-01-01 and 048847-01-01, properly recorded, to the properties described therein attached hereto as Exhibit "A-1" and made a part hereof.
- 3. The undersigned Grantor(s) warrant that they are the owner(s) in fee simple of the property described in Documents No. <u>58368 & 58059</u> above and that they have the exclusive right to grant this Fee and Easement including the Temporary Easements, which it is understood and acknowledged terminated upon the completion of the State's Project.
- 4. If the CTC does not approve Director's Easement Deeds DE 041336-01-01 and/or 048847-01-01 this contract shall be renegotiated to establish suitable compensation for the parcels described in the above referenced Director's Easement Deeds.
- 5. Grantor shall close Permit 620-01 upon the close of escrow. The cash bond paid upon execution of Permit 620-01 in the amount of \$15,000 less any applicable deductions shall be returned to State within 30 days after the close of escrow.
- 6. It is agreed and confirmed by and between the parties hereto that the Department has fulfilled it's obligations under Permit 620-01 and Right of Entry 58059 & 58368 dated May 23, 2002 except as provided in the following clause.
- 7. It is understood and agreed by and between the parties hereto that the easement described in the Director's Easement Deeds DE 041336-01-01 and 048847-01-01 in clause 2.(C) above may need to be re-acquired by the State in the future. At such time, the State shall provide the Grantor with mutually acceptable replacement permanent turnaround easement(s). The Grantor will quitclaim DE 041336-01-01 and/or 048847-01-01 to the State should one or more be required at no cost to either party in exchange for said replacement easement(s).
- 8. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the State, including the right to remove and dispose of improvements, if any, commenced on May 31, 2002, and that the amount shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages and interest, if any, from said date.
- 9. It is understood and agreed by and between the parties hereto that payment in Clause 2(A) above includes, but is not limited to, payment for Temporary Easements 58368-2, -3, -4, -5 and 58059-1, -3, -4, as shown on the maps attached hereto and made a part hereof and labeled Exhibit "B", which were used for temporary construction and access purposes in connection with the construction of the highway designated Interstate 680 on maps in the Department of Transportation, Office of Right of Way, at 111 Grand Avenue, Oakland, California. The Temporary easements commenced on May 31, 2002 and expired upon completion of the State's Project.

10. This transaction will be handled through an internal escrow by the State of California, Department of Transportation, District 4 Office, Post Office Box 23440, Oakland, CA 94623-0440.

*In Witness Whereof*, the Parties have executed this agreement the day and year first above written.

RECOMMENDED FOR APPROVAL: RECOMMENDED FOR APPROVAL: **CONTRA COSTA COUNTY SUZANN GOODHUE** IESSICA L. DILLINGHAM Senior R/W Agent Senior Real Property Agent **Acquisition Services** KAREN A. LAWS Principal Real Property Agent APPROVED: **APPROVED:** STATE OF CALIFORNIA OWNER **Department of Transportation** CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a flood control district organized under the laws of the State of By California

No Obligation Other Than Those Set Forth Herein Will Be Recognized

By

JULIA BUEREN
Chief Engineer

MARK L. WEAVER
Deputy District Director

Right of Way and Land Surveys

# RECORDING REQUESTED BY STATE OF CALIFORNIA

WHEN RECORDED-RETURN TO
DEPARTMENT OF
TRANSPORTATION
P. O. BOX 23440
OAKLAND CA 94623-0440
Attention: R/W Excess Lands

EXHIBIT A-1

Documentary Transfer Tax: \$

Space above this line for Recorder's Use

### **DIRECTOR'S DEED**

(EASEMENT)

District	County	Route	Post Mile	Number
4	CC	680	20.9	DE-048847-01-01

The STATE OF	CALIFORNIA, acting by and	through its Director of Trans	sportation, does hereby grant to
			TER CONSERVATION DISTRICT,
			the laws of the State
	of California		all that real property in
the	, County of		, State of California, described as:
Please	see EXHIBIT "A" attached.		
MAIL TAX STATEMENTS	TO:		
		⊠COMPUTED ( □COMPUTED ( REMAINING	Y TRANSFER TAX \$  ON FULL VALUE OF PROPERTY CONVEYED,OR  DN FULL VALUE LESS LIENS & ENCUMBRANCES  THEREON AT TIME OF SALE.  of declarant or agent determining tax-firm name
		☐City of	⊠Unincorporated

Ī	Number
	DE-048847-01-01

Subject to special assessments if any, restrictions, reservations, and easements of record.

particular, by the Streets and Highways Code. WITNESS my hand and the seal of the Department of Transportation of the State of California, this STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION APPROVED AS TO FORM AND PROCEDURE MALCOLM DOUGHERTY. ATTORNEY Director of Transportation DEPARTMENT OF TRANSPORTATION Ву MARK L. WEAVER, Attorney in Fact Deputy District Director Right of Way and Land Surveys State of California **ACKNOWLEDGMENT** County of \_\_\_\_\_ On before me, \_\_\_\_, personally (Here insert name and title of the officer) \_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. Signature \_\_\_\_\_(Seal) (This space reserved for CTC Certification) Form RW 6-1(S) (Revised 01/08) DEC 1 5 2014

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in

#### EXHIBIT "A"

An EASEMENT for truck turn-around purposes upon, over and across the following described parcel of land:

A portion of that parcel of land as described in the Grant Deed recorded November 14, 1988 in Book 14710, Page 601, Official Records of Contra Costa County, more particularly described as follows:

COMMENCING at the most northerly corner of said parcel; thence along the general northwesterly line of said parcel, S. 23°13'44" W., 19.06 feet to the POINT OF BEGINNING; thence continuing along said general northwesterly line, the following three courses:

1) S. 23°13'44" W., 42.63 feet; 2) N. 67°24'04" W., 16.00 feet; and 3) S. 22°35'56" W., 92.55 feet; thence N. 40°29'00" E., 57.51 feet; thence N. 48°47'00" E., 51.27 feet; thence N. 12°04'14" W., 41.87 feet to the POINT OF BEGINNING.

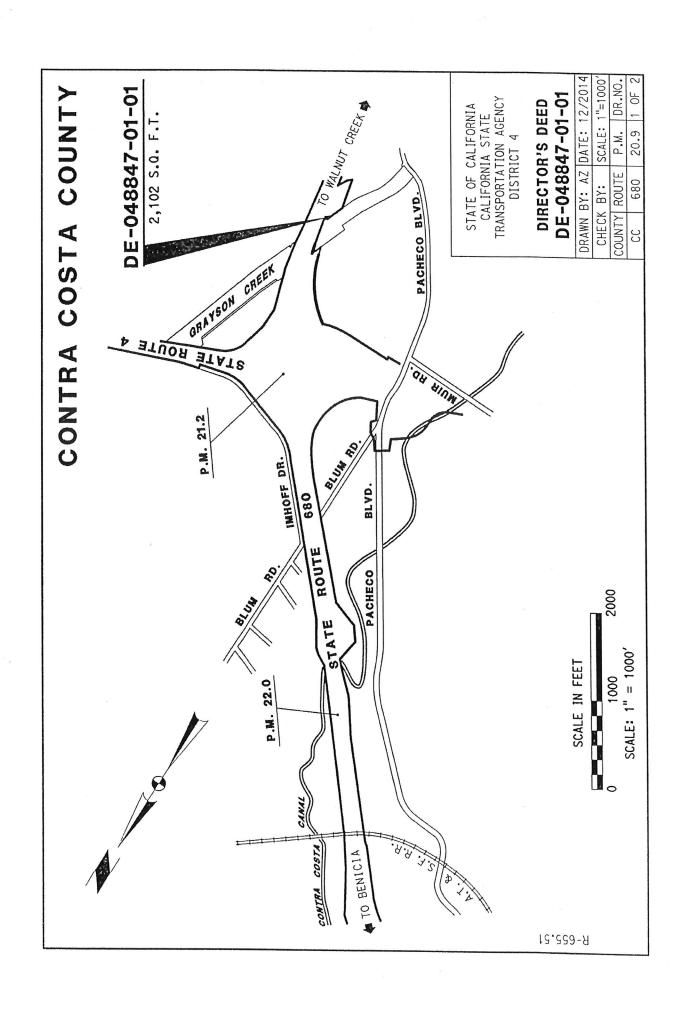
CONTAINING 2,102 square feet, more or less.

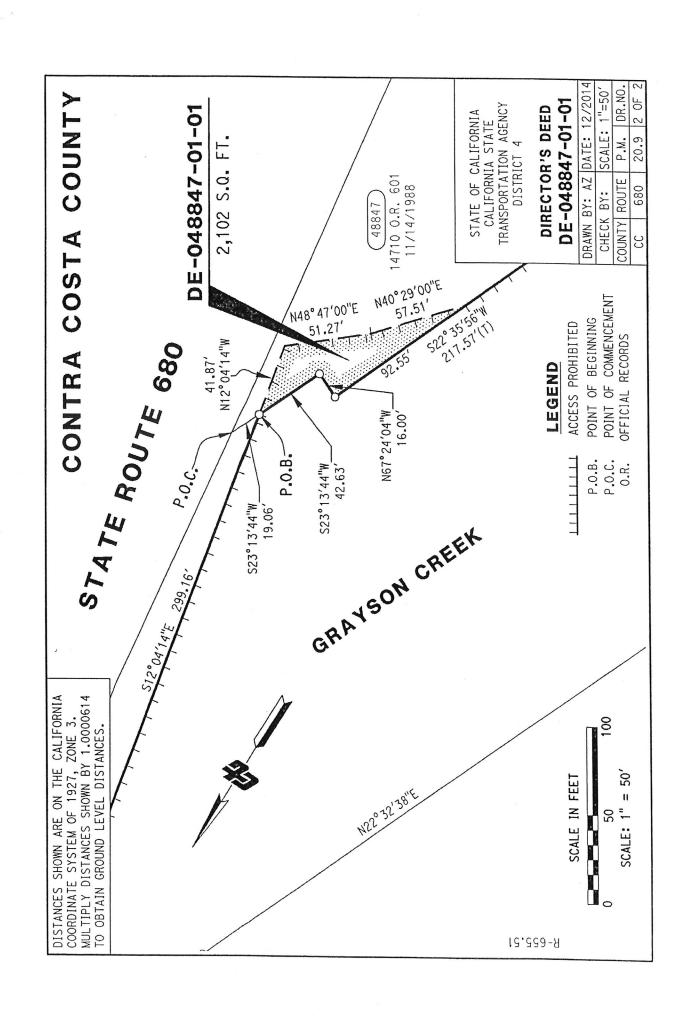
There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent State freeway, over and across the courses herein above described with lengths of 57.51 feet, 51.27 feet and 41.87 feet.

The bearings and distances used in the above description are on the California Coordinate System of 1927, Zone 3. Multiply the above distances by 1.0000614 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature:	Licensed Land Surveyor	LAND SUALES
Date:	12/15/2014	ALICE ZHONG Exp. 12/31/15 No. 7437
		OF CALIFORNIA





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P. O. BOX 23440
OAKLAND CA 94623-0440
Attention: R/W Excess Lands



Documentary Transfer Tax: \$

Space above this line for Recorder's Use

### **DIRECTOR'S DEED**

(EASEMENT)

District	County	Route	Post Mile	Number
4	CC	680	20.9	DE-041336-01-01

The STATE OF	CALIFORNIA, acting by and t	hrough its Director of Trans	portation, does hereby grant to
C	CONTRA COSTA COUNTY F	LOOD CONTROL AND WA	TER CONSERVATION DISTRICT,
a			the laws of the State all that real property in
		Contra Costa	, State of California, described as:
trie	, County of	Contra Costa	, State of California, described as:
Please	see EXHIBIT "A" attached.		
MAIL TAX STATEMENTS	TO:		
		©COMPUTED ☐COMPUTED REMAINING	Y TRANSFER TAX \$ ON FULL VALUE OF PROPERTY CONVEYED,OR ON FULL VALUE LESS LIENS & ENCUMBRANCES THEREON AT TIME OF SALE.  of declarant or agent determining tax-firm name

Number
DE-041336-01-01

Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code. WITNESS my hand and the seal of the Department of Transportation of the State of California, this STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION APPROVED AS TO FORM AND PROCEDURE MALCOLM DOUGHERTY, ATTORNEY Director of Transportation DEPARTMENT OF TRANSPORTATION By MARK L. WEAVER, Attorney in Fact Deputy District Director Right of Way and Land Surveys State of California **ACKNOWLEDGMENT** County of \_\_\_\_ On \_\_\_\_\_\_ before me,\_\_\_\_\_\_(Here insert name and title of the officer) \_\_\_\_\_, personally appeared \_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. Signature \_\_\_\_\_(Seal) (This space reserved for CTC Certification) Form RW 6-1(S) (Revised 01/08) DEC 1 5 2014

Number DE-041336-01-01

#### EXHIBIT "A"

An EASEMENT for truck turn-around purposes upon, over and across the following described parcel of land:

A portion of that parcel of land as described in the Grant Deed recorded March 4, 1974 in Book 7169, Page 137, Official Records of Contra Costa County, more particularly described as follows:

BEGINNING at the most southerly corner of said parcel; thence along the southerly line of said parcel, N. 22°32'38" E., 58.29 feet; thence N. 67°27'22" W., 44.72 feet to a point on the general westerly line of said parcel; thence along said general westerly line, S. 14°57'15" E., 73.47 feet to the POINT OF BEGINNING.

CONTAINING 1,303 square feet, more or less.

There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent State freeway, over and across the courses herein above described with lengths of 44.72 feet and 73.47 feet.

The bearings and distances used in the above description are on the California Coordinate System of 1927, Zone 3. Multiply the above distances by 1.0000614 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature:	Licensed Land Surveyor	ALICE ZHONG
Date:	12/15/2014	★ Exp. 12/31/15 No. 7437 ★
		OF CALIFORNIE

