

Martinez, CA
March 23, 2017

Grantor: West County Wastewater District
2910 Hilltop Drive
Richmond, CA 94806
Project No: 7505-6F8740

RIGHT OF WAY CONTRACT

A document in the form of a Grant of Easement covering the property particularly described in the above instrument has been executed and delivered to Olivia D. Reynolds-Freeman, Senior Real Property Agent for the Contra Costa County Flood Control and Water Conservation District (District).

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

1. The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve the District of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
2. West County Wastewater District (WCWD) has agreed to waive compensation from the District for the property, or interest necessary, in connection with the San Pablo and Wildcat Creeks Levee Remediation Project.
 - a. Title to be taken subject to WCWD's underlying fee title and:
 - (1) Covenants, conditions, restrictions and reservations of record, if any.
 - (2) Easements or rights of way of record over said property.
3. WCWD warrants that there are no oral or written leases on all or any portion of the property exceeding a period of one month, and the WCWD further agrees to hold the District harmless and reimburse the District for any and all of its losses and expenses occasioned by reason of any lease of said property held by any tenant of WCWD for a period exceeding one month.
4. WCWD hereby agrees and consents to the dismissal of any eminent domain action in the Superior Court wherein the herein described land is included and also waives any and all claims to any money that may now be on deposit in said action.

5. 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 District, including the right to remove and dispose of improvements, shall commence on August 1, 2017 or the close of escrow controlling this transaction, whichever occurs first.

CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
Recommended to the Board of Supervisors for Approval:

By: Olivia D. Reynolds-Freeman
Olivia D. Reynolds-Freeman
Senior Real Property Agent

By: Karen A. Laws
Karen A. Laws
Principal Real Property Agent

WEST COUNTY WASTEWATER DISTRICT, a district formed under the Sanitary District Act of 1923 of State of California

By: Leonard McNeil
President

By: Audrey h. Comer
Vice President

Date: March 16, 2017
(Date signed by Grantor(s))

APPROVED:

By: Julia R. Bueren
for Julia R. Bueren
Public Works Director

Date: 3-23-2017
(Date of Approval)

NO OBLIGATION OTHER THAN THOSE SET FORTH HEREIN WILL BE RECOGNIZED