

RIGHT OF WAY CONTRACT - TEMPORARY EASEMENT

RW 8-4 (6/95)

Walnut Creek, California

April 5, 2017

District	County	Parcel No.
4	CC	078-090-007 (Portion of)

Grantor: Save Mount Diablo, a California non-profit Public benefit corporation

THIS DOCUMENT in the form of a TEMPORARY EASEMENT, covering the property particularly described in Clause 3 below has been executed and delivered to Olivia D. Reynolds-Freeman, Senior Real Property Agent for Contra Costa County ("County" or "Grantee").

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 County of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
2. The County shall pay the undersigned Grantor the sum of Five Thousand Dollars (\$5,000) for this Temporary Easement.
3. Permission is hereby granted to the County and its authorized agents to enter upon Grantor's land where necessary within that certain area described in Exhibit "A" attached hereto and made a part hereof (the "Easement Area") for the purpose of accessing parcels adjacent to and near the Easement Area to perform activities related to the Marsh Creek Bridge Replacement Project, including de-watering Marsh Creek and constructing road and creek improvements.
4. This Temporary Easement shall commence on August 1, 2017 and terminate on December 31, 2019. Grantor shall have use of the property until the County takes possession.
5. The undersigned Grantor warrants that they are the owners in fee simple of the property affected by this Temporary Easement as described in Clause 3 above and that they have the exclusive right to grant this Temporary Easement.
6. In case of unpredictable delays in construction, upon written notification, the Temporary Easement may be extended by an amendment to this Right of Way contract. Grantor shall be compensated based on the fair market value at the time of the extension. Payment shall be made to Grantor prior to the expiration of the original period.

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- 7. Grantee hereby releases and agrees to hold harmless, indemnify, and defend Grantor, its officers, employees, or agents from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgements, or administrative actions, including, without limitation, reasonable attorneys' fees (collectively, "Liabilities"), arising from or in any way connected with injury to or the death of any person, or physical damage to any property, occurring in, on or about the Easement Area resulting from the use of the Easement Area by Grantee, its officers, employees, or agents; except for Liabilities arising from the sole negligence or sole willful misconduct of Grantor, its officers, employees, or agents.

- 8. Save Mount Diablo's property was acquired to protect conservation values including the riparian corridor along Marsh Creek, trees, rare plants and large rock outcroppings. It is understood and agreed that Contra Costa County, and its contractor, will clearly mark the temporary construction easement boundary, does not contemplate removing any trees from Save Mount Diablo's property, will clearly protect and completely avoid all rock outcroppings, will leave the premises in a clean and orderly condition and, if damage occurs, will repair, replace, or compensate for any damages to the property which may be caused during the course of the construction of the Marsh Creek Road Bridge Replacement Project (28C-141).

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

GRANTEE
CONTRA COSTA COUNTY

GRANTOR
Save Mount Diablo, a California non-profit
Public benefit corporation

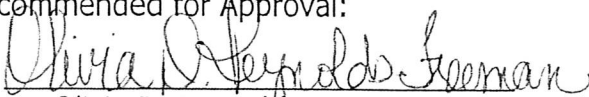
By _____
Julia R. Bueren
Public Works Director


By 
Edward S. Clement, Jr.
Executive Director

Date: _____
(Date of Approval)

Date April 5, 2017
(Date signed by Grantor)

Recommended for Approval:

By 
Olivia D. Reynolds-Freeman
Senior Real Property Agent

By 
Karen A. Laws
Principal Real Property Agent

Marsh Creek Road (Road No. 3971A)
Save Mount Diablo
Portion of APN 078-090-007

EXHIBIT "A"

Real property in an unincorporated area of the County of Contra Costa, State of California, in the northeast quarter of Section 34, Township 1 North, Range 1 East, Mount Diablo Meridian, being a portion of the property described in the deed to Save Mount Diablo, recorded July 15, 2011, as Document Number 2011-0139579, Contra Costa County records, described as follows:

Parcel 10 - Temporary Construction Easement (TCE) from August 1, 2017 thru December 31, 2019.

Beginning on the westerly line of said Save Mount Diablo property (2011-0139579), at the southerly right of way line of Marsh Creek Road as described in the deed from Ackerman to the County of Contra Costa, recorded March 8, 1948 in Book 1181 of Official Records, at page 414; thence from said Point of Beginning, along said right of way line, south 56°27'16" east, 99.65 feet; thence south 68°02'03" east, 100.00 feet; thence south 77°18'51" east, 124.02 feet to a point on a non-tangent curve, concave to the southwest, a radial from said point bears south 21°57'56" west; thence southeasterly along said right of way line and said curve, having a radius of 620.00 feet, through a central angle of 4°36'15", an arc length of 49.82 feet to a point of cusp, a radial to said point bears north 26°34'11" east; thence leaving said right of way line, north 77°18'51" west 178.16 feet; thence south 87°34'38" west 171.10 feet to the westerly line of said Save Mount Diablo property (2011-0139579); thence along said westerly line north 1°21'07" east 108.32 feet to the Point of Beginning.

Containing an area of 10,871 square feet of land, more or less.

Bearings are based on the California Coordinate System of 1983 (CCS83), Zone III.
Distances given are ground distances.

Exhibit "B" a plat is attached hereto and by this reference made a part hereof.

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

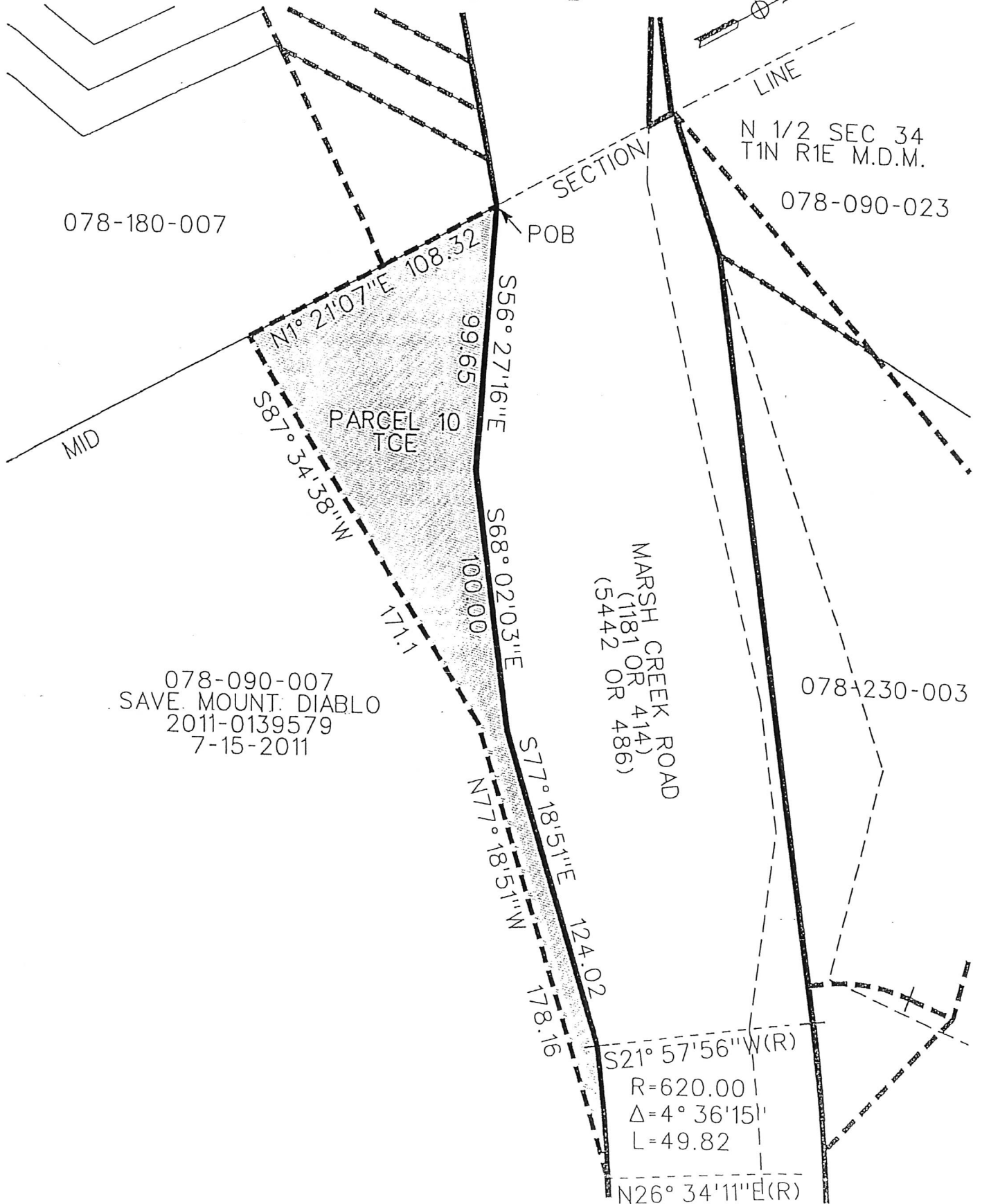
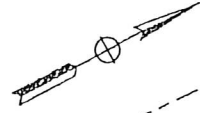
Signature: James A. Stein

Licensed Land Surveyor
Contra Costa County Public Works Department

Date: 10/27/16



EXHIBIT 'B'



MARSH CREEK ROAD (3971A)

Instrument : Temporary Construction Easement	Scale: 1" = 50'	File No. A-3971A-2016b
Document No.	Drawn By: TL	Plot Date: 10/12/2016
Recorded:	Checked By: JLH	Drawing: SV407912 ROTATED 2D.dgn