

RECORDING REQUESTED BY, AND  
WHEN RECORDED MAIL TO:

Contra Costa County  
Department of Conservation and Development  
Community Development Division  
30 Muir Rd.  
Martinez, CA 94553

APN: 140-220-008

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SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### **GRANT DEED OF DEVELOPMENT RIGHTS**

This Grant Deed of Development Rights is made by and between the Grantors, Milton John Marin, Jr., and Sally Ann Marin, Trustees of the Marin Family Trust dated March 19, 2007, and their successors and assigns ("Grantors") and the Grantee, Contra Costa County, a political subdivision of the State of California, and its successors and assigns ("County").

#### **RECITALS**

- A. On November 5, 2012, the Contra Costa County Zoning Administrator conditionally approved an application by the Grantors for a vesting tentative map to subdivide a 4.37-acre parcel located at 296 La Casa Via in the unincorporated area of Walnut Creek, in the County of Contra Costa, California, into three parcels, A, B and C. The subdivision will be referred to as Minor Subdivision (MS) 12-0007.
- B. The 4.37-acre parcel located at 296 La Casa Via is located within an area subject to the Shell Ridge Specific Plan, approved by the Board of Supervisors by Resolution No. 77/341 on April 26, 1977 ("Specific Plan").
- C. The Specific Plan requires the maintenance of a natural preserve on the sides and top of Shell Ridge ("Preserve") and prohibits the placement within the Preserve of structures that would require the issuance of a building permit or other entitlement, such as homes, barns, swimming pools, garages or patios. The Specific Plan also prohibits substantial grading within the Preserve and states that slopes should essentially be left in their natural state.
- D. The southern portion of Parcel C of MS12-0007 is located within the Preserve.
- E. In conformance with the Specific Plan, Condition of Approval #11 of MS12-0007 requires the designation of a restricted development area in the southern portion of Parcel C, at or above the 300 foot elevation contour. This restricted development area is described in Exhibit A and depicted in Exhibit B and will hereafter be referred to as the "Property."

- F. Grantors desire to evidence their intent and insure that the obligations specified herein are covenants, conditions, and restrictions that run with the land and are for the benefit of the County.

NOW, THEREFORE, for good and valuable consideration, including but not limited to the agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby grant to the County, and its successors and assigns, on the terms and conditions set forth below, all the Development Rights within, on, and over the Property.

1. **Recitals.** The recitals are intended to be and shall be part of this Grant Deed.
2. **Development Rights.** "Development Rights" are defined to mean and refer to the right to divide, develop, or install or construct improvements on, all or any portion of the Property.
3. **Negative Easement.** This Grant Deed is in the form of a negative easement, which shall run with the Property and shall bind the Grantors and any future owners of all or any portion of said Property. This Grant Deed is an agreement in writing affecting the title or possession of the Property.
4. **Development Restrictions.** Grantors may develop the Property only in accordance with all of the following restrictions, subject to Grantors first obtaining all necessary permits or other entitlements from the County:
  - 4.1. Except as set forth below, Grantors shall not install or construct any structures that would require the issuance of a building permit or other entitlement, including but not limited to homes, barns, swimming pools, garages or patios, on all or any portion of the Property, and Grantors agree that no building permits or other permits or entitlements shall be issued for such purposes. Grantors hereby waive and relinquish any rights they might otherwise have to such permits or entitlements.
    - 4.1.1. Any existing structure that is located on the Property may be maintained as needed but not expanded.
    - 4.1.2. An animal structure is located on Parcel C of MS12-0007, and a portion of the structure is located on the Property. The portion of the this structure that is located on the Property may be repaired or rebuilt in its current location to the same extent that the rest of the structure may be repaired or rebuilt under applicable law.
  - 4.2. Substantial grading on the Property is prohibited, and sloping areas of the Property shall essentially be left in their natural state. Grantors agree that no permits shall be issued for any grading that would be inconsistent with these restrictions. Grantors hereby waive and relinquish any rights they might otherwise have to such permits.
5. **Covenants Running With Land.** This Grant Deed shall be binding on the parties hereto and the provisions hereof shall be covenants running with the land and shall inure to the

benefit of and be binding on the heirs, successors, and assigns of the Grantors, County, and all of the Property and all other parties having or acquiring and right, title, or interest in any part of the real property encumbered by the easement described herein.

6. **Remedies.** Should Grantors violate any of the provisions hereof, County shall be entitled to all rights and remedies available at law or in equity, including without limitation, an order enjoining the activity in violation hereof and an order requiring the removal of the improvements constructed in violation hereof. In addition, County shall be entitled to an award of all expenses incurred by County in pursuing such violation(s), including costs, interest, attorney's fees, and other litigation expenses.

IN WITNESS THEREOF, this Grant Deed of Development Rights is signed and executed as of the latest date set forth below.

**GRANTEE**

CONTRA COSTA COUNTY

By: \_\_\_\_\_  
Chair, Board of Supervisors

Date: \_\_\_\_\_

Attest: David J. Twa, Clerk of the Board of  
Supervisors and County Administrator

By: \_\_\_\_\_  
Deputy

Approved as to Form:

Sharon L. Anderson  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Attachments:

Exhibits A and B: Legal Description and Plat  
Acknowledgment

H:\DCD\GDDR\MS12-0007.5.10.17.docx

**GRANTORS**

MILTON JOHN MARIN, JR., AND SALLY  
ANN MARIN, TRUSTEES OF THE MARIN  
FAMILY TRUST DATED MARCH 19, 2007

\_\_\_\_\_  
Milton John Marin, Jr., Trustee

Date: 6/28/2017

\_\_\_\_\_  
Sally Ann Marin, Trustee

Date: 6/28/17

[Note: All signatures of Grantors must be notarized.]

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California )SS  
COUNTY OF Contra Costa )

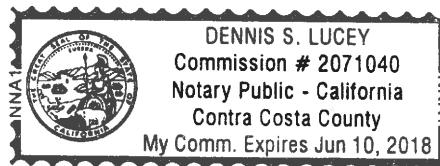
On June 28, 2017 before me, Dennis S. Lucey, Notary Public, personally appeared  
Milton John Marin, Jr., and Sally Ann Marin

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



This area for official notarial seal.

### OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER(S) TITLE(S)  
☐ PARTNER(S) ☐ LIMITED ☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☒ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER

SIGNER IS REPRESENTING:

\_\_\_\_\_  
Name of Person or Entity

\_\_\_\_\_  
Name of Person or Entity

### OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

#### THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW

TITLE OR TYPE OF DOCUMENT: Grant Deed ...

NUMBER OF PAGES 3 (+ Ack. & Exhibit) DATE OF DOCUMENT June 28, 2017

SIGNER(S) OTHER THAN NAMED ABOVE ==See document

Contra Costa County

EXHIBIT A

RESTRICTED DEVELOPMENT AREA

Lands of M. John Marin Jr. and Sally A. Marin

May 8, 2017

APN 140-220-008

Being a portion of the Lands of M. John Marin Jr. and Sally A. Marin as described in Series 2000-274696, Recorded December 7, 2000, more particularly being a portion of Parcel A of Subdivision MS-116-74, Recorded October 1, 1975 in Book 40 of Parcel Maps at Page 24, whose Basis of Bearings this Exhibit is based upon, said portion more particularly described as follows:


**Beginning** at the most southerly corner of said Parcel A, said corner represented by a 2" Iron Pipe tagged LS 2729 as per said Book 40 of Parcel Maps at Page 24; thence along the southwesterly line of said Parcel A North 49°58'30" West 225.24 feet to a 2" Iron Pipe at the most westerly corner of said Parcel A; thence along the northwesterly line of said Parcel A North 26°19'20" East 182.43 feet; thence leaving said northwesterly line South 44°40'19" East 113.53 feet; thence South 64°06'35" East 66.38 feet; thence South 48°48'10" East 30.17 feet; thence North 80°34'17" East 19.76 feet to the southeasterly line of said Parcel A; thence along said southeasterly line South 26°20'44" West 203.11 feet to the **Point of Beginning**.

Containing 39,555 sq. ft. (0.91 acres) more or less

See Exhibit B (attached and made a part hereto)

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

Signature

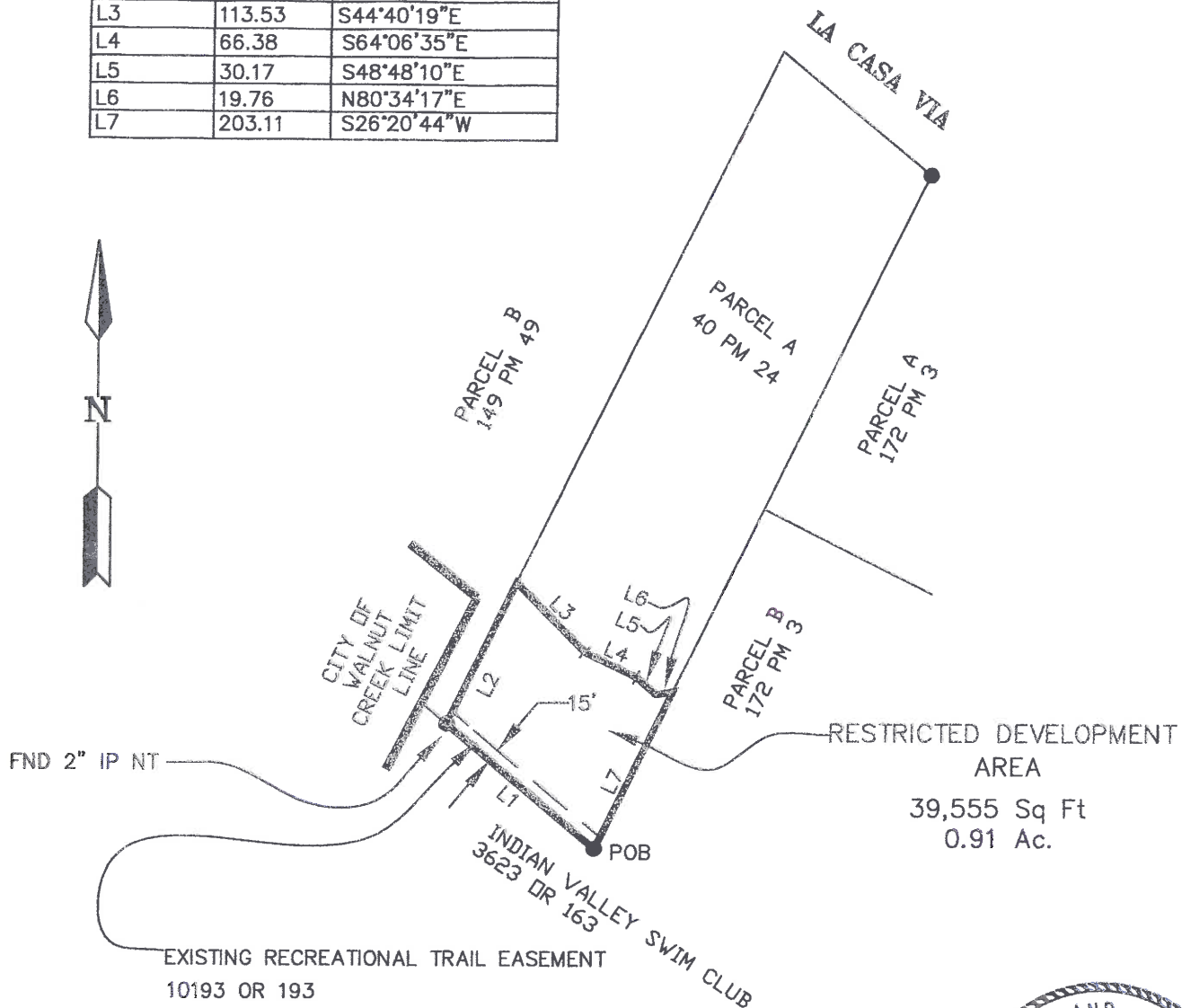
  
Licensed Land Surveyor

Date

MAY 9, 2017



LINE TABLE		
LINE	LENGTH	BEARING
L1	225.24	N49°58'30"W
L2	182.43	N26°19'20"E
L3	113.53	S44°40'19"E
L4	66.38	S64°06'35"E
L5	30.17	S48°48'10"E
L6	19.76	N80°34'17"E
L7	203.11	S26°20'44"W



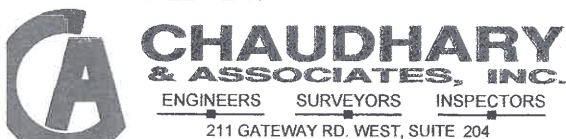
#### LEGEND

- IP  
POB  
●  
FND 2" IP LS 2729 AS PER 40 PM 24, UNLESS OTHERWISE NOTED



MAY 9, 2017

PREPARED BY:



Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

#### EXHIBIT B PLAT TO ACCOMPANY EXHIBIT "A" RESTRICTED DEVELOPMENT AREA

LYING WITHIN A PORTION OF THE LANDS M. JOHN MARIN JR., AND SALLY A. MARIN AS DESCRIBED IN SERIES 2000-274696, MORE SPECIFICALLY BEING A PORTION OF PARCEL A OF SUBDIVISION MS-116-74, RECORDED IN BOOK 40 OF PARCEL MAPS AT PAGE 24

Unincorporated Area in Contra Costa County  
State of California  
May 8, 2017

SHEET 2 of 2