

**RECORDED AT THE REQUEST OF, AND
AFTER RECORDING, RETURN TO:**

Contra Costa County
Public Works Department
Engineering Services Division
Records Section
255 Glacier Drive
Martinez, CA 94553

APN: 367-140-010

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GRANT DEED OF DEVELOPMENT RIGHTS
(Creek Structure Setback Area)

This Grant Deed of Development Rights is made by and between the Grantor(s), James Scott Busby, Margaret Mary Busby, James Scott Busby, Jr. and Kristen Marie Busby, 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 September, 12, 2005, the Zoning Administrator conditionally approved an application (SD058947) to subdivide an approximately 7.01-acre parcel located at 5420 Alhambra Valley Road in an unincorporated area in Martinez, in the County of Contra Costa, State of California, into seven single family residential lots and one gateway parcel.
- B. The subdivision property referenced in Recital A is owned by the Grantors.
- C. Under County Ordinance Code sections 914-14.012, subdivision (a), and 914-14.014, no permanent structures other than drainage structures may be constructed within, under or over any structure setback area of an unimproved earth channel located in a subdivision. County Ordinance Code section 914-14.012, subdivision (a), requires the development rights for the portion of a lot within a structure setback area of an unimproved earth channel to be offered for dedication to the County.
- D. Arroyo del Hambre, an unimproved creek, will be referred to as the "Creek."
- E. In accordance with County Ordinance Code section 914-4.012, subdivision (a), Condition of Approval 84 of SD058947 requires development rights for the

portion of the subdivision within the structure setback area of the Creek to be conveyed to the County by grant deed.

- F. The area described in Exhibit A and depicted in Exhibit B (the "Property") is the structure setback area described in the above-referenced condition of approval. Exhibits A and B are attached hereto and incorporated herein by this reference.
- G. Grantors desire to evidence their intent and ensure 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 construct permanent structures on all or any portion of the Property.
3. **Negative Easement.** This Grant Deed of Development Rights 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 the Property. This Grant Deed is an agreement in writing affecting the title or possession of the Property.
4. **Development Restrictions.** Except for drainage structures, Grantors shall not construct permanent structures on any portion of the Property, and Grantors agree that except for permits for construction of drainage structures, no building permits or other permits shall be issued for the purpose of constructing permanent structures on any portion of the Property. 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 and County, all of the Property and all other parties having or acquiring any right, title or interest in any part of the Property.
6. **Remedies.** If Grantors violate any of the provisions hereof, the 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, the County shall be entitled to an award of all expenses incurred by the County in pursuing such violation(s), including costs, interest, attorney's fees and other litigation expenses.

7. **Counterparts.** This Grant Deed of Development Rights may be executed in counterparts and when so executed shall be binding upon all parties hereto.

IN WITNESS WHEREOF, this Grant Deed of Development Rights is signed and executed this _____ day of _____, 2018.

GRANTEE

CONTRA COSTA COUNTY

By: _____
Chair, Board of Supervisors

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

By: _____
Deputy

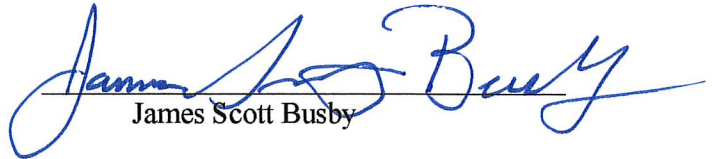
Approved as to form:

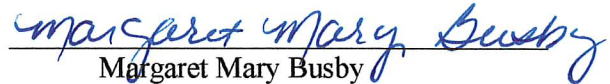
Sharon L. Anderson
County Counsel

By: _____
Deputy County Counsel

GRANTORS

JAMES SCOTT BUSBY, MARGARET MARY BUSBY, JAMES SCOTT BUSBY, JR., AND KRISTEN MARIE BUSBY


James Scott Busby


Margaret Mary Busby


James Scott Busby, Jr.


Kristen Marie Busby

[Note: All Grantor signatures must be notarized.]

Attachments: Exhibit A (Legal Description)
Exhibit B (Plat to Accompany Legal Description)
Acknowledgment

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EXHIBIT 'A'

RESTRICTED DEVELOPMENT AREA

THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED PORTION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF THE RANCHO EL PINOLE RESUBDIVISION OF THE REMAINDER PORTION OF SUBDIVISION 6060 RECORDED JUNE 15, 1984 IN BOOK 280 OF MAPS, PAGES 17-19, CONTRA COSTA COUNTY, CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID REMAINDER PARCEL, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 6 OF SAID SUBDIVISION 6060, AND PROCEEDING ALONG THE NORTHEASTERLY LINE OF SAID REMAINDER PARCEL, SAID LINE ALSO BEING THE SOUTHWESTERLY LINE OF SUBDIVISION 8634 RECORDED MAY 12, 2015 IN BOOK 523 OF MAPS, PAGES 37-43, CONTRA COSTA COUNTY, CALIFORNIA, SOUTH 57°07'47" EAST, 78.70 FEET; THENCE SOUTH 13°15'37" WEST, 19.72 FEET; THENCE SOUTH 46°30'57" WEST, 68.40 FEET TO THE EAST LINE OF SAID LOT 6; THENCE PROCEEDING ALONG THE EAST LINE OF SAID LOT 6 NORTH 06°15'23" WEST, 109.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.09 ACRES, MORE OR LESS.

BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM NAD 27 ZONE III. TO GET GROUND DISTANCES MULTIPLY DISTANCES SHOWN BY 1.0000883.

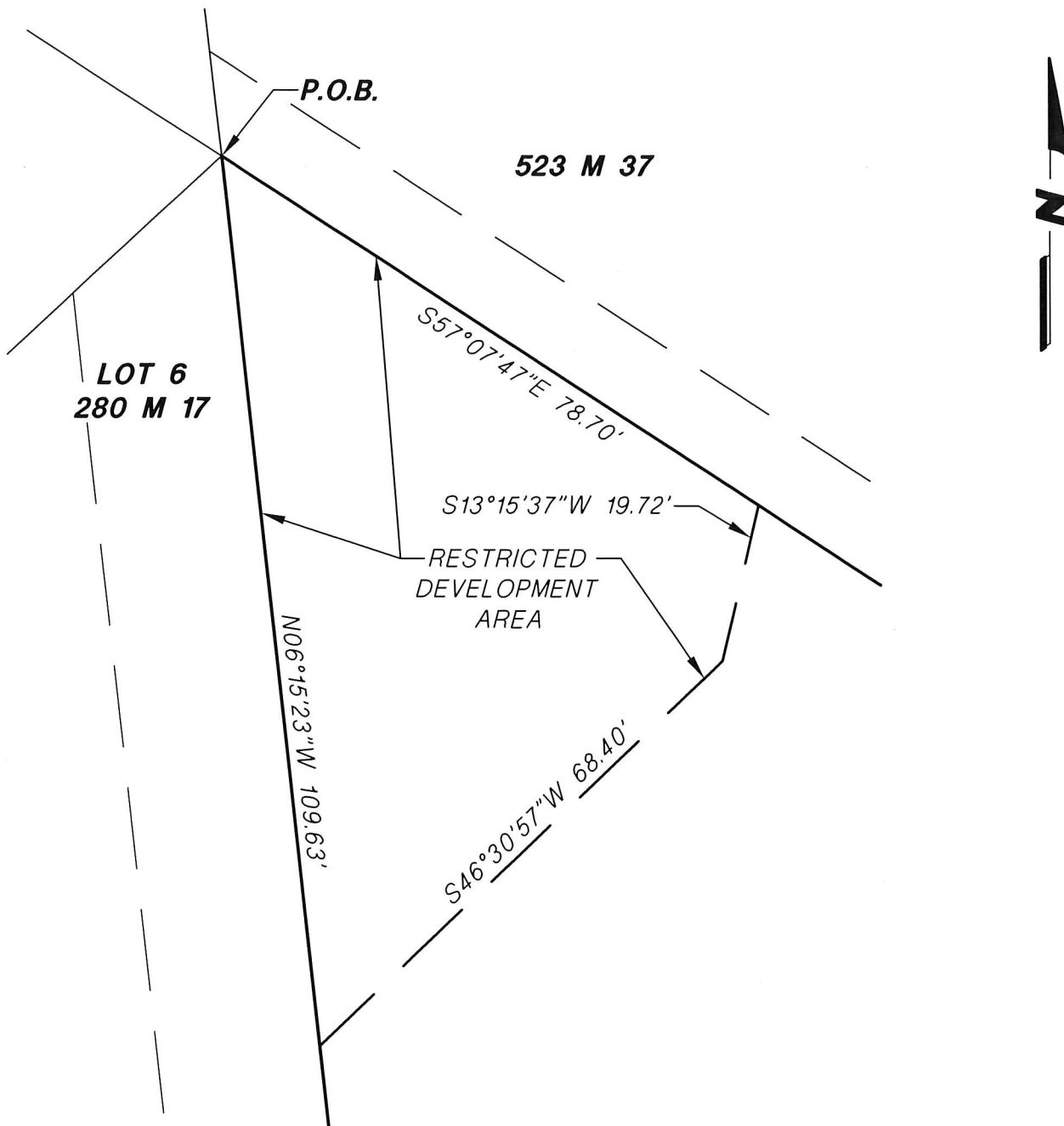
A PORTION OF APN 367-140-010-3.



MARK E. WOODS

DATED

R.C.E. 29851 EXP. 03/31/2019



P.O.B. POINT OF BEGINNING

BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM 27, ZONE III. TO GET GROUND DISTANCES MULTIPLY DISTANCES SHOWN BY 1.0000883.

APN: 367-140-010-3

SCOTT BUSBY

EXHIBIT - B

**RESTRICTED DEVELOPMENT
AREA**

MARTINEZ, CALIFORNIA

P/A Design Resources, Inc.
Planning ■ Engineering ■ Surveying

3021 Citrus Circle, Suite 150
Walnut Creek, California 94598-2635 TEL (925) 210-9300

DATE: 05/10/2017

SCALE: 1"=20'

ACKNOWLEDGMENT

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~~ Oregon)
County of Lane)

On March 7th 2018, before me, Justin Chatham,

Notary Public, personally appeared James Scott Burdy Jr. only
N/A

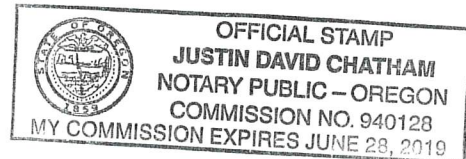
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) 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 of Notary Public



(SEAL)

California All-Purpose Certificate of Acknowledgment

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

County of CONTRA COSTA

s.s.

On 03/06/2018 before me, TERRY L. EDWARDS, NOTARY PUBLIC

Name of Notary Public, Title

personally appeared JAMES SCOTT BUSBY & MARCARET MARY BUSBY

Name of Signer (1)

Name of Signer (2)

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 of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of EMERALD RIDGE

OF DEVELOPMENT RIGHTS

containing 5 pages, and dated _____

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-fact
☐ Corporate Officer(s) _____

Title(s)

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____

Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- ☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

- ☐ Additional Signer ☐ Signer(s) Thumbprints(s)
☐ _____

California All-Purpose Certificate of Acknowledgment

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

County of CONTRA COSTA

s.s.

On 03/12/2018, before me, TERRY L. EDWARDS, NOTARY PUBLIC

Name of Notary Public, Title

personally appeared 1/2 DISTEN MARIE BERRY

Name of Signer (1)

Name of Signer (2)

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 of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of GRANT DEED

OF Development Rights

containing 5 pages, and dated _____

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-fact
☐ Corporate Officer(s)

Title(s)

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- ☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

- ☐ Additional Signer ☐ Signer(s) Thumbprints(s)
☐ _____