

RIGHT OF WAY CONTRACT - TEMPORARY EASEMENT (Settlement Agreement)

RW 8-4 (6/95)

Omaha, ~~California~~ Nebraska County Parcel No.
July 22, 2020 CC 051-040-073
TCE #3

Grantor: Kiewit Infrastructure Co., a Delaware 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 Right of Way Agent for Contra Costa County (County).

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 Eight Hundred Dollars and No/100 (\$800.00) for this Temporary Easement.
3. Permission is hereby granted to the County or its authorized agent to enter upon Grantor's land where necessary within that certain area described in Exhibit "A" attached hereto and made a part hereof, for the purpose of replacing two sections of failed 48" plastic storm drain culvert under a part of Maritime Way off Wilbur Avenue in unincorporated Contra Costa County, CA
4. This Temporary Easement shall commence on July 13, 2020 and terminate on December 31, 2020. 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, for no longer than six months after the termination date of December 31, 2020, by an amendment to this Right of Way contract. Grantors shall be compensated based on the fair market value at the time of the extension.

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7. County shall indemnify, defend and hold harmless the Grantor, its agents and employees, of and from any and all claims, demands, costs, damages, losses, actions, or judgements which Grantor may pay or be required to pay by reason of any damage, including injury or death to any person or property suffered by any person, firm or corporation as a result of the negligent exercise by County or by its agents or employees of the right herein granted to it.
8. Kerex Engineering is required to maintain Kiewit Infrastructure Co. as additionally insured for the duration of the TCE. If for any reason, the insurance is cancelled, the TCE terminates on the date of the insurance cancellation.

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

CONTRA COSTA COUNTY
Recommended for Approval:

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

By Jessica L. Dillingham
Jessica Dillingham
Principal Real Property Agent

GRANTOR
Kiewit Infrastructure Co.,
a Delaware Corporation

By [Signature]

By Alan Lincoln

APPROVED:

By _____
Brian M. Balbas
Public Works Director

Date _____
(Date of Approval)

Temporary Construction Easement
Drainage Area 29G-Line A
from Kiewit Construction Group Inc. to Contra Costa County
Portion of APN 051-040-073

EXHIBIT "A"

Real Property located in the Southeast Quarter of Section 16, Township 2 North, Range 2 East, Mount Diablo Meridian, in an unincorporated area of Contra Costa County, State of California, being a portion of that parcel of land described as Parcel Two in the Grant Deed from C.A. Chaban and Ida S. Chaban to Peter Kiewit Sons' Co., recorded on November 9, 1979 in Book 9613 at Page 51 in the office of the Contra Costa County Recorder more particularly described as follows;

Temporary Construction Easement No. 3 from June 1, 2020 to December 31, 2020.

Commencing at the Southeast Corner of said Section 16, monumented at the intersection of Wilbur Avenue and Bridgehead Road, thence North 89°03'50" West, along the south line of said Southeast Quarter of Section 16, for a distance of 1832.40 feet; Thence North 0°52'58" East for a distance of 42.00 feet to the southwest corner of said Parcel Two (9613 O.R. 51); Thence continuing North 0°52'58" East along the west line of said Parcel Two (9613 O.R. 51), for a distance of 1115.00 feet to a point on the east line of that parcel described as Parcel 1729 in the Grant of Easement from Sportsmen Inc., et.al., to Contra Costa County Flood Control and Water Conservation District recorded on June 13, 1995 at Instrument Number 95-092668 in the office of said Contra Costa County Recorder, said point being the Point of Beginning; Thence from said Point of Beginning, South 89°07'02" East for a distance of 8.00 feet; Thence North 0°52'58" East for a distance of 130.00 feet; Thence North 89°07'02" West for a distance of 8.00 feet to a point on said west line of said Parcel Two (9613 O.R. 51) and the east line of said Parcel 1729 (95-092668); then South 0°52'58" West, along said line, for a distance of 130.00 feet to the point of beginning.

Containing 1040 Square Feet (0.024 acres) more or less.

Bearings shown herein are based on a bearing of North 89°03'50" West for the South line of the Southeast Quarter of Section 16, T2N, R2E, MDM as shown on that Record of Survey recorded in Book 141 of LSM at Page 27 in the office of the Contra Costa County Recorder.

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

Date: 1/28/2020



EXHIBIT "B"

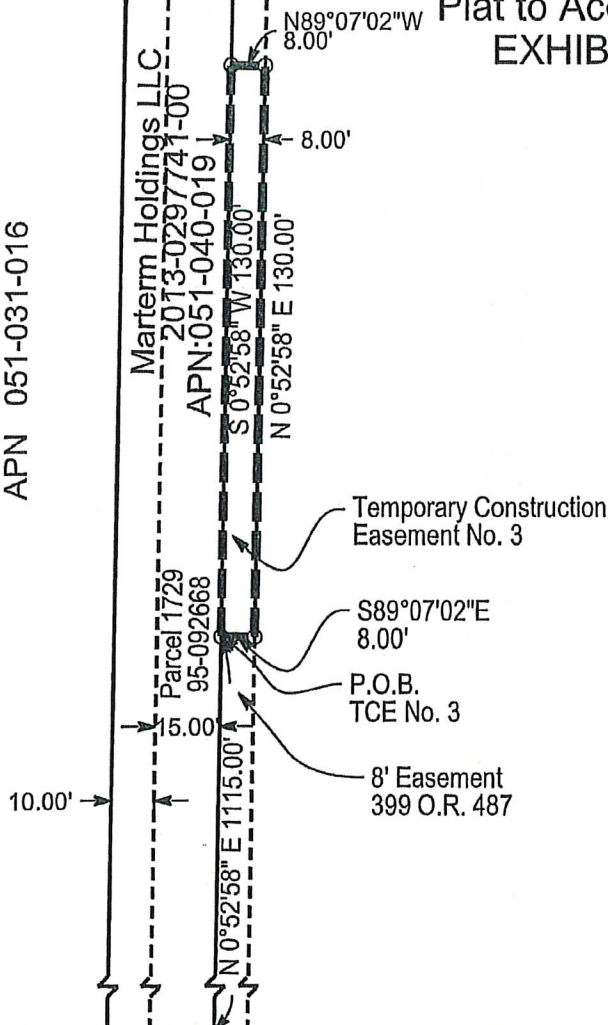
Plat to Accompany
EXHIBIT "A"

APN 051-040-073

Kiewit Construction Group Inc..
93-188263
(Peter Kiewit Sons' Co.)
(9613 O.R. 51)

PACIFIC GAS AND ELECTRIC CO.
APN 051-031-016

Marterm Holdings LLC
2013-0297741-00
APN:051-040-019



WILBUR AVENUE

South line of
SE 1/4 Section 16

N 89°03'50" W 1832.40'

P.O.C.
SE Corner
Sec 16, T2N, R2E

BRIDGEHEAD
ROAD

TEMPORARY CONSTRUCTION EASEMENT NO. 3

Instr _____
Recorded _____ Series ° _____

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CAD FILE: WO9C14 Maritime Way TE.dgn



Contra Costa County 255 Glacier Drive
Martinez, CA 94553
Public Works
Department

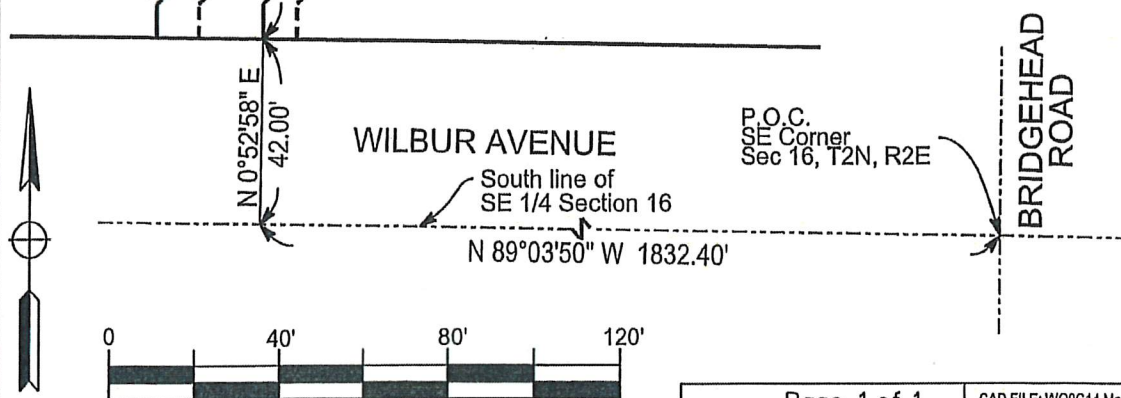
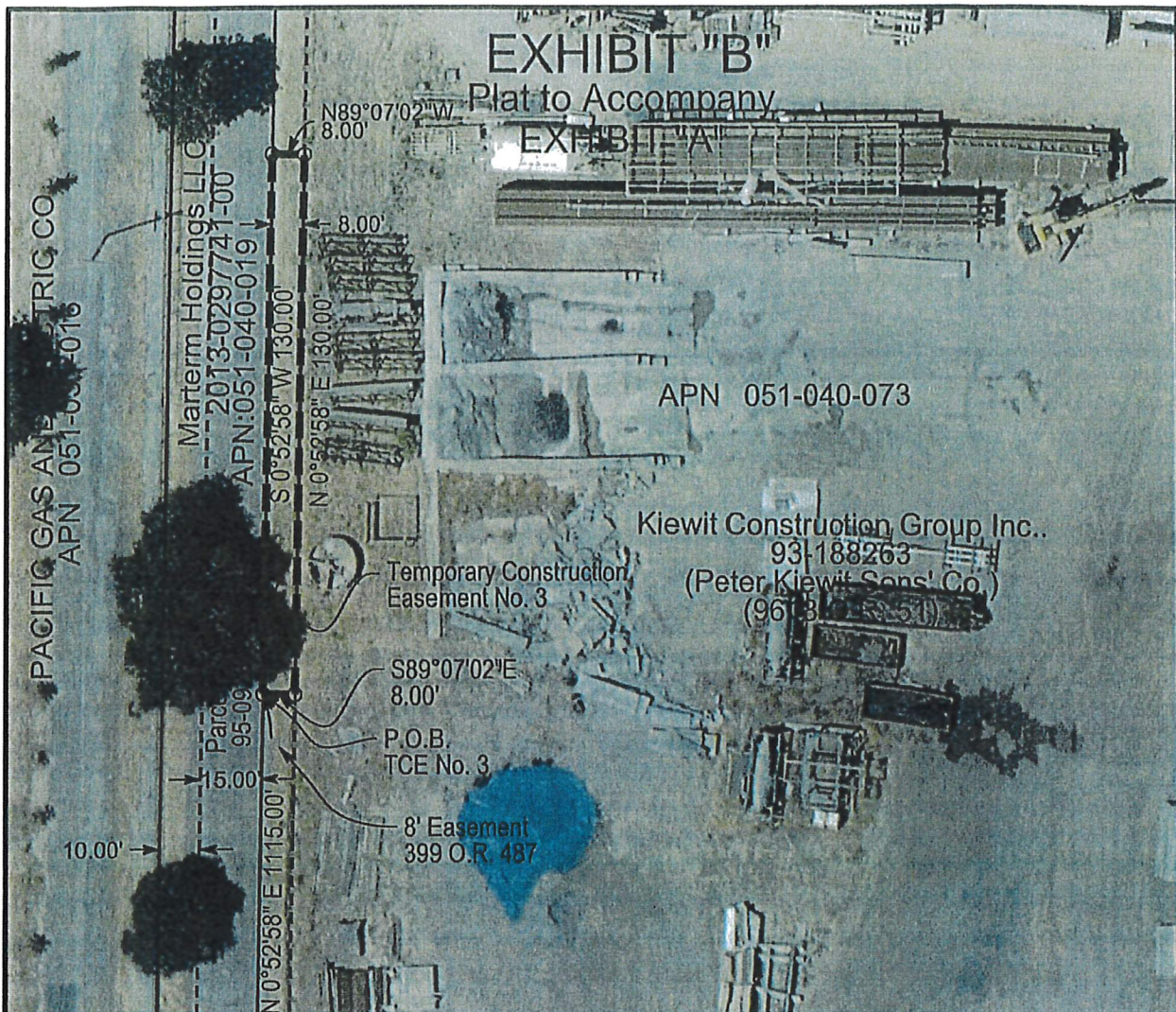
SCALE 1" = 40'

DATE 01/21/2020

DRAWN BY BJD

DRAWING NO.

CHECKED BY JAS



**TEMPORARY CONSTRUCTION
EASEMENT NO. 3**

Instr _____
Recorded _____ Series # _____

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CAD FILE: W09C14 MarTime Way TE.dgn



Contra Costa County 255 Glacier Drive
Martinez, CA 94553
**Public Works
Department**

SCALE 1" = 40'

DATE 01/21/2020

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DRAWING NO.

CHECKED BY JAS